

percent rate; and an expansion of the 10-percent bracket. Those are all family friendly. A lot of veterans want those tax cuts, too.

There are a lot of allusions to, we really need higher taxes so we can spend more for veterans. Veterans want these tax cuts. A lot of veterans have children. A lot of veterans are married and want to eliminate the marriage penalty, at least if they have incomes up to \$58,000. That is where the bulk of the tax cuts we are trying to pass this year are. That is what we assumed in the budget.

So I wanted to make those few points. We hope to get the deficit down. I believe if we pass the budget, or if we adhere to the discipline we recommended in the budget, we will have the deficit down by over \$100 billion. We will not if we adopt amendments that call for this program to double or another program to double and call it all an entitlement. That is a great way to have runaway spending.

This amendment is very irresponsible, and I would urge my colleagues to vote to sustain the budget point of order.

I yield the floor, and 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. WARNER. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENTS NOS. 3433, 3179, 3239, 3429, 3220, 3319, 3293, 3198, 3431, 3373, 3403, 3325, 3280, 3441, 3442, 3443, 3444, AND 3445, EN BLOC

Mr. WARNER. I ask unanimous consent to authorize the managers of the bill to offer en bloc amendments from the filed list on my side of the aisle. I send to the desk a list of 22 such amendments out of some 40 that we have designated as being filed by Republican Senators, just slightly over half. I note the unanimous consent provides an exception for the managers' amendment which has to be cleared on both sides.

The PRESIDING OFFICER. The amendments are now pending. The Senator from Michigan.

AMENDMENTS NOS. 3157, 3378, 3367, 3423, 3286, 3204, 3303, 3327, 3328, 3329, 3330, 3203, 3311, 3310, 3400, 3399, 3365, 3300, 3388, 3336, 3337, 3339, 3201, 3377, 3289, 3234, 3264, 3355, 3351, AND 3242, EN BLOC

Mr. LEVIN. In accordance with the terms of the unanimous consent agreement, I call up the amendments contained in the list that I now send to the desk and ask they appear separately in the RECORD, that the reading of the amendments be waived. There are 31 amendments here out of a list of 77.

The PRESIDING OFFICER. The amendments are now pending.

(The amendments are printed in the RECORD under "Text of Amendments.")

Mr. LEVIN. Mr. President, I have been informed that the last item on this list, item No. 3242, may have al-

ready been agreed to, which in this case if it has already been agreed to, I ask it be deleted from the list.

The PRESIDING OFFICER. It will be deleted from the list.

Mr. LEVIN. Under that circumstance.

And I ask these be ruled to be pending amendments.

The PRESIDING OFFICER. They are pending amendments.

Mr. WARNER. That is provided for by the unanimous consent request; am I not correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. The amendments of the Senator from Virginia are pending at the time the Senator from Michigan sent his list.

The PRESIDING OFFICER. Correct.

Mr. LEVIN. Well, if the Senator from Virginia would yield, the only reason I made reference to that is that the Senator from Virginia had made reference to that fact, or that the Presiding Officer more accurately said the amendments of the Senator from Virginia were now pending. I just wanted the same ruling.

Mr. WARNER. That is fine.

In addressing my colleague from Michigan, I speak to the Senate in its entirety, if you will give the managers of the bill a period of time to look through this, we might be able to quickly advise the Senate as to those we think we can accept. They will require some modification because in the procedure each side has voiced its own suggestions as to how they will be modified and shortly after we indicate to the Senate those amendments which we require would require more debate and possibly a recorded vote.

Mr. LEVIN. Mr. President, if the Senator will yield, I fully agree with his proposed course of action. I am wondering if he might suggest what that period of time might be.

Mr. WARNER. Mr. President, I would like to think a 30-minute time period, so about 7:20. I can ask for a quorum call until such time.

Mr. LEVIN. That would be fine with us.

Mr. WARNER. We will be able to advise the Senate as to the status of it.

The PRESIDING OFFICER. The assistant Democratic leader.

RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until 7:20 this evening.

There being no objection, the Senate, at 6:51 p.m., recessed until 7:20 p.m. and reassembled when called to order by the Presiding Officer (Mr. TALENT).

The PRESIDING OFFICER. In my capacity as a Senator from Missouri, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005—Resumed

Mr. WARNER. Mr. President, I realize colleagues are perplexed over the lapse of time here, and I assure you, we are working very hard on this bill. I am going to first thank the staffs on both sides, and indeed our staff before us in the Parliamentary group, for working to make it possible.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

AMENDMENTS NOS. 3329, AS MODIFIED; 3433, AS MODIFIED; 3234, AS MODIFIED; 3471; 3289, AS MODIFIED; 3179, AS MODIFIED; 3351, AS MODIFIED; 3239, AS MODIFIED; 3264; 3157, AS MODIFIED; 3429; 3327, AS MODIFIED; 3431, AS MODIFIED; 3337, AS MODIFIED; 3430; 3367; 3198, AS MODIFIED; 3365, AS MODIFIED; 3293; 3399, AS MODIFIED; 3325, AS MODIFIED; 3204, AS MODIFIED; 3441, AS MODIFIED; 3333, AS MODIFIED; 3319; 3339; 3371, AS MODIFIED; AND 3438, AS MODIFIED, EN BLOC

Mr. WARNER. I would like now to send a package of 26 cleared amendments to the desk and ask for their consideration en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Without objection, the amendments are agreed to en bloc.

The amendments were agreed to, as follows:

AMENDMENT NO. 3329, AS MODIFIED

On page 48, between lines 7 and 8, insert the following:

SEC. 326. AMOUNT FOR RESEARCH AND DEVELOPMENT FOR IMPROVED PREVENTION OF LEISHMANIASIS.

(a) INCREASE IN AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount authorized to be appropriated by section 303(a)(2) for the Defense Health Program for research, development, test, and evaluation is hereby increased by \$500,000, with the amount of the increase to be available for purposes relating to Leishmaniasis Diagnostics Laboratory.

(b) INCREASE IN AMOUNT FOR RDT&E, ARMY FOR LEISHMANIASIS TOPICAL TREATMENT.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation, Army, as increased by subsection (b), is hereby further increased by \$4,500,000, with the amount of the increase to be available in Program Element PE 0604807A for purposes relating to Leishmaniasis Topical Treatment.

(c) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by \$5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3433, AS MODIFIED

On page 311, in the table preceding line 1, insert after the item relating to Hill Air Force Base, Utah, the following new item:

Wyoming	F.E. Warren Air Force Base.	\$5,500,000
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On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert "\$452,023,000".

On page 314, line 3, insert "(a) AUTHORIZATION OF APPROPRIATIONS.—" before "Funds".

On page 314, line 7, strike “\$2,487,824,000” and insert “\$2,493,324,000”.

On page 314, line 10, strike “\$446,523,000” and insert “\$452,023,000”.

On page 315, between lines 3 and 4, insert the following:

(b) OFFSET FOR CERTAIN MILITARY CONSTRUCTION PROJECT.—The amount authorized to be appropriated by section 421 for military personnel is hereby reduced by \$5,500,000, with the amount of the reduction to be derived from excess amounts authorized for military personnel of the Air Force.

AMENDMENT NO. 3234, AS MODIFIED

At the end of subtitle B of title III, add the following:

SEC. 313. FAMILY READINESS PROGRAM OF THE NATIONAL GUARD.

(a) AMOUNT FOR PROGRAM.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by \$10,000,000 for the Family Readiness Program of the National Guard.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by \$10,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3471

(Purpose: To increase the amount for RDT&E, Defense-Wide, to provide for joint threat warning system maritime variants, and to provide an offset)

On page 30, between lines 14 and 15, insert the following:

SEC. 216. SPIRAL DEVELOPMENT OF JOINT THREAT WARNING SYSTEM MARITIME VARIANTS.

(a) AMOUNT FOR PROGRAM.—The amount authorized to be appropriated by section 201(4) is hereby increased by \$2,000,000, with the amount of the increase to be available in the program element PE 1160405BB for joint threat warning system maritime variants.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by \$2,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3289, AS MODIFIED

On page 39, between lines 7 and 8, insert the following:

SEC. 304. AMOUNT FOR ONE SOURCE MILITARY COUNSELING AND REFERRAL HOTLINE.

(a) AUTHORIZATION OF APPROPRIATION OF ADDITIONAL AMOUNT.—The amount authorized to be appropriated under section 301(5) is hereby increased by \$5,000,000, which shall be available (in addition to other amounts available under this Act for the same purpose) only for the Department of Defense One Source counseling and referral hotline.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by \$5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3179, AS MODIFIED

On page 30, between lines 14 and 15, insert the following:

SEC. 217. ADVANCED FERRITE ANTENNA.

(a) AMOUNT FOR DEVELOPMENT AND TESTING.—Of the amount authorized to be appropriated under section 201(2), \$3,000,000 may be available for development and testing of the Advanced Ferrite Antenna.

(b) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by \$3,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3351, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 217. PROTOTYPE LITTORAL ARRAY SYSTEM FOR OPERATING SUBMARINES.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by \$5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), \$5,000,000 may be available for Program Element PE 0604503N for the design, development, and testing of a prototype littoral array system for operating submarines.

(c) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by \$5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3239, AS MODIFIED

On page 19, between lines 19 and 20, insert the following:

SEC. 113. COMMAND-AND-CONTROL VEHICLES OR FIELD ARTILLERY AMMUNITION SUPPORT VEHICLES.

(a) INCREASED AMOUNT FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES.—The amount authorized to be appropriated under section 101(3) is hereby increased by \$5,000,000.

(b) AMOUNT FOR COMMAND-AND-CONTROL VEHICLES OR FIELD ARTILLERY AMMUNITION SUPPORT VEHICLES.—Of the amount authorized to be appropriated under section 101(3), \$5,000,000 may be used for the procurement of command-and-control vehicles or field artillery ammunition support vehicles.

(c) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by \$5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3264

(Purpose: To recognize the sacrifices of the members of the Armed Forces who are injured in combat)

At the end of subtitle G of title III, add the following:

SEC. 364. TRACKING AND CARE OF MEMBERS OF THE ARMED FORCES WHO ARE INJURED IN COMBAT.

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

(1) Members of the Armed Forces of the United States place themselves in harm's way in the defense of democratic values and to keep the United States safe.

(2) This call to duty has resulted in the ultimate SACRIFICE of members of the Armed Forces of the United States who are killed or critically injured while serving the United States.

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

(1) to honor the SACRIFICE of the members of the Armed Forces who have been killed or critically wounded while serving the United States;

(2) to recognize the heroic efforts of the medical personnel of the Armed Forces in treating wounded military personnel and civilians; and

(3) to support advanced medical technologies that assist the medical personnel of the Armed Forces in saving lives and reducing disability rates for members of the Armed Forces.

(c) PROCEDURES FOR TRACKING OF WOUNDED FROM COMBAT ZONES.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations procedures for the Department of Defense to—

(A) notify the family of each member of the Armed Forces who is injured in a combat zone regarding such injury; and

(B) provide the family of each such member of the Armed Forces with information on any change of status, including health or location, of such member during the transportation of such member to a treatment destination.

(2) The Secretary shall transmit to Congress a copy of the procedures prescribed under paragraph (1).

(d) MEDICAL EQUIPMENT AND COMBAT CASUALTY TECHNOLOGIES.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, \$10,000,000 of the amount in Program Element PE 0603826D8Z shall be available for medical equipment and combat casualty care technologies.

AMENDMENT NO. 3157, AS MODIFIED

At the end of subtitle B of title II, add the following:

SEC. 217. ADVANCED MANUFACTURING TECHNOLOGIES AND RADIATION CASUALTY RESEARCH.

(a) ADDITIONAL AMOUNT FOR ADVANCED MANUFACTURING STRATEGIES.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, the amount available for Advanced Manufacturing Technologies (PE 0708011S) is hereby increased by \$2,000,000.

(b) AMOUNT FOR RADIATION CASUALTY RESEARCH.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, \$3,000,000 may be available for Radiation Casualty Research (PE 0603002D8Z).

(c) OFFSET.—The amount authorized to be appropriated by section 421 is hereby reduced by \$5,000,000, with the amount of the reduction to be derived from excess amounts provided for military personnel of the Air Force.

AMENDMENT NO. 3429

(Purpose: To provide exceptions to the bilateral agreement requirement for transfers of defense items to the United Kingdom and Australia)

On page 272, between the matter following line 18 and line 19, insert the following:

SEC. 1055. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS.

(a) FINDINGS.—Congress makes the following findings:

(1) Close defense cooperation between the United States and each of the United Kingdom and Australia requires interoperability among the armed forces of those countries.

(2) The need for interoperability must be balanced with the need for appropriate and effective regulation of trade in defense items.

(3) The Arms Export Control Act (22 U.S.C. 2751 et seq.) authorizes the executive branch to administer arms export policies enacted by Congress in the exercise of its constitutional power to regulate commerce with foreign nations.

(4) The executive branch has exercised its authority under the Arms Export Control Act, in part, through the International Traffic in Arms Regulations.

(5) Agreements to gain exemption from the International Traffic in Arms Regulations must be submitted to Congress for review.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

(2) **DEFENSE ITEMS.**—The term “defense items” has the meaning given the term in section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(3) **INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.**—The term “International Traffic in Arms Regulations” means the regulations maintained under parts 120 through 130 of title 22, Code of Federal Regulations, and any successor regulations.

(c) **EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.**—

(1) **IN GENERAL.**—Subsection (j) of section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

“(4) **EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.**—

“(A) **AUSTRALIA.**—Subject to section 1055 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraph (2)(A) shall not apply to a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use of defense items within Australia that will remain subject to the licensing requirements of this Act after such agreement enters into force.

“(B) **UNITED KINGDOM.**—Subject to section 1055 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i), and (2)(A)(ii) shall not apply to a bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act.”.

(2) **CONFORMING AMENDMENT.**—Paragraph (2) of such subsection is amended in the matter preceding subparagraph (A) by striking “A bilateral agreement” and inserting “Except as provided in paragraph (4), a bilateral agreement”.

(d) **CERTIFICATIONS.**—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall certify to the appropriate congressional committees that such agreement—

(1) is in the national interest of the United States and will not in any way affect the goals and policy of the United States under section 1 of the Arms Export Control Act (22 U.S.C. 2751);

(2) does not adversely affect the efficacy of the International Traffic in Arms Regulations to provide consistent and adequate controls for licensed exports of United States defense items; and

(3) will not adversely affect the duties or requirements of the Secretary of State under the Arms Export Control Act.

(e) **NOTIFICATION OF BILATERAL LICENSING EXEMPTIONS.**—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall submit to the appropriate congressional committees the text of the regulations that authorize such a licensing exemption.

(f) **REPORT ON CONSULTATION ISSUES.**—Not later than one year after the date of the en-

actment of this Act and annually thereafter for each of the following 5 years, the President shall submit to the appropriate congressional committees a report on issues raised during the previous year in consultations conducted under the terms of any bilateral agreement entered into with Australia under section 38(j) of the Arms Export Control Act, or under the terms of any bilateral agreement entered into with the United Kingdom under such section, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain—

(1) information on any notifications or consultations between the United States and the United Kingdom under the terms of any agreement with the United Kingdom, or between the United States and Australia under the terms of any agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) a list of all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of any agreement with the United Kingdom or any agreement with Australia;

(3) information on consultations or steps taken pursuant to any agreement with the United Kingdom or any agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) information on provisions and procedures undertaken pursuant to—

(A) any agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) any agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) information on any new understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to any agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) information on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of any such agreements;

(7) information on United States origin defense items with respect to which the United States has provided an exception under the Memorandum of Understanding between the United States and the United Kingdom and any agreement between the United States and Australia from the requirement for United States Government re-export consent that was not provided for under United States laws and regulations in effect on the date of the enactment of this Act; and

(8) information on any significant concerns that have arisen between the Government of Australia or the Government of the United Kingdom and the United States Government concerning any aspect of any bilateral agreement between such country and the United

States to gain exemption from the licensing requirements of the Arms Export Control Act.

(g) **SPECIAL NOTIFICATIONS.**—

(1) **REQUIRED NOTIFICATIONS.**—The Secretary of State shall notify the appropriate congressional committees not later than 90 days after receiving any credible information regarding an unauthorized end-use or diversion of United States exports of goods or services made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. The notification shall be made in a manner that is consistent with any ongoing efforts to investigate and commence civil actions or criminal investigations or prosecutions regarding such matters and may be made in classified or unclassified form.

(2) **CONTENT.**—The notification regarding an unauthorized end-use or diversion of goods or services under paragraph (1) shall include—

(A) a description of the goods or services;

(B) the United States origin of the good or service;

(C) the authorized recipient of the good or service;

(D) a detailed description of the unauthorized end-use or diversion, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(E) any enforcement action taken by the Government of the United States; and

(F) any enforcement action taken by the government of the recipient nation.

AMENDMENT NO. 3327, AS MODIFIED

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. REPORT ON ESTABLISHING NATIONAL CENTERS OF EXCELLENCE FOR UNMANNED AERIAL AND GROUND VEHICLES.

(a) **REPORT REQUIRED.**—Not later than 120 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 need for one or more national centers of excellence for unmanned aerial and ground vehicles.

(b) **GOAL OF CENTERS.**—The goal of the centers covered by the report is to promote interservice cooperation and coordination in the following areas:

(1) Development of joint doctrine for the organization, training, and use of unmanned aerial and ground vehicles.

(2) Joint research, development, test, and evaluation, and joint procurement of unmanned aerial and ground vehicles.

(3) Identification and coordination, in conjunction with the private sector and academia, of the future development of unmanned aerial and ground vehicles.

(4) Monitoring of the development and utilization of unmanned aerial and ground vehicles in other nations for both military and non-military purposes.

(5) The providing of joint training and professional development opportunities in the use and operation of unmanned aerial and ground vehicles to military personnel of all ranks and levels of responsibility.

(c) **REPORT REQUIREMENTS.**—The report shall include, at a minimum, the following:

(1) A list of facilities where the Defense Department currently conducts or plans to conduct research, development, and testing activities on unmanned aerial and ground vehicles.

(2) A list of facilities where the Department of Defense currently deploys or has committed to deploying unmanned aerial or ground vehicles.

(3) The extent to which existing facilities described in paragraphs (1) and (2) have sufficient unused capacity and expertise to research, develop, test, and deploy the current and next generations of unmanned aerial and ground vehicles and to provide for the development of doctrine on the use and training of operators of such vehicles.

(4) The extent to which efficiencies on research, development, testing, and deployment of existing or future unmanned aerial and ground vehicles can be achieved through consolidation at one or more national centers of excellence for unmanned aerial and ground vehicles.

(5) A list of potential locations for national centers of excellence.

(d) **CONSIDERATIONS.**—In determining the potential locations for the national centers of excellence under this section, the Secretary of Defense shall take into consideration existing Air Force facilities that have—

- (1) a workforce of skilled personnel;
- (2) existing capacity of runways and other facilities to accommodate the research, testing, and deployment of current and future unmanned aerial vehicles; and
- (3) minimal restrictions on the research, development, and testing of unmanned aerial vehicles resulting from proximity to large population centers or airspace heavily utilized by commercial flights.

AMENDMENT NO. 3431, AS MODIFIED

On page 243, after the matter following line 18, insert the following:

SEC. 1014. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) **AUTHORITY TO TRANSFER BY GRANT.**—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) **CHILE.**—To the Government of Chile, the SPRUANCE class destroyer O'BANNON (DD 987).

(2) **PORTUGAL.**—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigate GEORGE PHILIP (FFG 12) and the OLIVER HAZARD PERRY class guided missile frigate USS SIDES (FFG 14).

(b) **AUTHORITY TO TRANSFER BY SALE.**—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) **TAIWAN.**—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the ANCHORAGE class dock landing ship ANCHORAGE (LSD 36).

(2) **CHILE.**—To the Government of Chile, the SPRUANCE class destroyer FLETCHER (DD 992).

(c) **GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.**—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(d) **COSTS OF TRANSFERS.**—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))).

(e) **REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.**—To the maximum extent

practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) **EXPIRATION OF AUTHORITY.**—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

AMENDMENT NO. 3337, AS MODIFIED

At the end of subtitle C of title X, add the following:

SEC. 1022. REPORT ON POST-MAJOR COMBAT OPERATIONS PHASE OF OPERATION IRAQI FREEDOM.

(a) **REPORT REQUIRED.**—(1) Not later than March 31, 2005, the Secretary of Defense shall submit to the congressional defense committees a report on the conduct of military operations during the post-major combat operations phase of Operation Iraqi Freedom.

(2) The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the Commander of the United States Central Command, and such other officials as the Secretary considers appropriate.

(b) **CONTENT.**—(1) The report shall include a discussion of the matters described in paragraph (2), with a particular emphasis on accomplishments and shortcomings and on near-term and long-term corrective actions to address such shortcomings.

(2) The matters to be discussed in the report are as follows:

(A) The military and political objectives of the international coalition conducting the post-major combat operations phase of Operation Iraqi Freedom, and the military strategy selected to achieve such objectives, together with an assessment of the execution of the military strategy.

(B) The mobilization process for the reserve components of the Armed Forces, including the timeliness of notification, training and certification, and subsequent demobilization.

(C) The use and performance of major items of United States military equipment, weapon systems, and munitions (including non-lethal weapons and munitions, items classified under special access procedures, and items drawn from prepositioned stocks) and any expected effects of the experience with the use and performance of such items on the doctrinal and tactical employment of such items and on plans for continuing the acquisition of such items.

(D) Any additional requirements for military equipment, weapon systems, munitions, force structure, or other capability identified during the post-major combat operations phase of Operation Iraqi Freedom, including changes in type or quantity for future operations.

(E) The effectiveness of joint air operations, together with an assessment of the effectiveness of—

- (i) the employment of close air support; and
- (ii) attack helicopter operations.

(F) The use of special operations forces, including operational and intelligence uses.

(G) The scope of logistics support, including support to and from other nations and from international organizations and organizations and individuals from the private sector in Iraq.

(H) The incidents of accidental fratricide, including a discussion of the effectiveness of the tracking of friendly forces and the use of the combat identification systems in mitigating friendly fire incidents.

(I) The adequacy of spectrum and bandwidth to transmit information to operational forces and assets, including unmanned aerial vehicles, ground vehicles, and individual soldiers.

(J) The effectiveness of strategic, operational, and tactical information operations, including psychological operations and assets, organization, and doctrine related to civil affairs, in achieving established objectives, together with a description of technological and other restrictions on the use of information operations capabilities.

(K) The readiness of the reserve component forces used in the post-major combat operations phase of Operation Iraqi Freedom, including an assessment of the success of the reserve component forces in accomplishing their missions.

(L) The adequacy of intelligence support during the post-major combat operations phase of Operation Iraqi Freedom, including the adequacy of such support in searches for weapons of mass destruction.

(M) The rapid insertion and integration, if any, of developmental but mission-essential equipment, organizations, or procedures during the post-major combat operations phase of Operation Iraqi Freedom.

(N) A description of the coordination, communication, and unity of effort between the Armed Forces, the Coalition Provisional Authority, other United States government agencies and organizations, nongovernmental organizations, and political, security, and nongovernmental organizations of Iraq, including an assessment of the effectiveness of such efforts.

(O) The adequacy of training for military units once deployed to the United States Central Command, including training for changes in unit mission and continuation training for high-intensity conflict missions.

(P) An estimate of the funding required to return or replace equipment used to date in Operation Iraqi Freedom, including equipment in prepositioned stocks, to mission-ready condition.

(Q) A description of military civil affairs and reconstruction efforts, including through the Commanders Emergency Response Program, and an assessment of the effectiveness of such efforts and programs.

(R) The adequacy of the requirements determination and acquisition processes, acquisition, and distribution of force protection equipment, including personal gear, vehicles, helicopters, and defense devices.

(S) The most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes, and the probable effects that an implementation of those changes would have on current visions, goals, and plans for transformation of the Armed Forces or the Department of Defense.

(T) The planning for and implementation of morale, welfare, and recreation programs for deployed forces and support to dependents, including rest and recuperation programs and personal communication benefits such as telephone, mail, and email services, including an assessment of the effectiveness of such programs.

(U) An analysis of force rotation plans, including individual personnel and unit rotations, differing deployment lengths, and in-theater equipment repair and leave behinds.

(c) **FORM OF REPORT.**—The report shall be submitted in unclassified form, but may include a classified annex.

(d) **POST-MAJOR COMBAT OPERATIONS PHASE OF OPERATION IRAQI FREEDOM DEFINED.**—In this section, the term "post-major combat operations phase of Operation Iraqi Freedom" means the period of Operation Iraqi Freedom beginning on May 2, 2003, and ending on December 31, 2004.

AMENDMENT NO. 3430

(Purpose: To improve authorities under the alternative authority for acquisition and improvement of military housing)

At the end of subtitle A of title XXVIII, add the following:

SEC. 2804. MODIFICATION OF AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) **REQUIREMENTS FOR CONTRACTS FOR LEASING OF HOUSING.**—Section 2874 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsection (b):

“(b) **CONTRACT TERMS.**—Any contract for the lease of housing units under subsection (a) shall include the following provisions:

“(1) That the obligation of the United States to make payments under such contract in any fiscal year shall be subject to appropriations being available for such fiscal year and specifically for the project covered by such contract.

“(2) A commitment to obligate the necessary amount for a fiscal year covered by such contract when and to the extent that funds are appropriated for the project covered by such contract.

“(3) That the commitment described in paragraph (2) does not constitute an obligation of the United States.”.

(b) **INVESTMENTS SUBJECT TO AVAILABILITY OF APPROPRIATIONS.**—Section 2875(a) of such title is amended by inserting “, subject to the availability of appropriations for such purpose,” after “may”.

(c) **REPEAL OF CERTAIN AUTHORITIES.**—

(1) **RENTAL GUARANTEES.**—Section 2876 of such title is repealed.

(2) **DIFFERENTIAL LEASE PAYMENTS.**—Section 2877 of such title is repealed.

(3) **ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO HOUSING UNITS.**—Section 2882 of such title is repealed.

(d) **INCREASE IN AMOUNT OF BUDGET AUTHORITY FOR MILITARY FAMILY HOUSING.**—Section 2883(g)(1) of such title is amended by striking “\$850,000,000” and inserting “\$850,000,001”.

(e) **CLERICAL AMENDMENTS.**—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the items relating to sections 2876, 2877, and 2882.

AMENDMENT NO. 3367

(Purpose: To amend title 10, United States Code, to exempt abortions of pregnancies in cases of rape and incest from a limitation on use of Department of Defense funds)

On page 147, after line 21, add the following:

SEC. ____ . USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: “ or in a case in which the pregnancy is the result of an act of rape or incest”.

AMENDMENT NO. 3198, AS MODIFIED

On page 269, line 20, strike “\$150,000,000” and insert “\$250,000,000”.

AMENDMENT NO. 3365, AS MODIFIED

At the end of subtitle G of title X, add the following:

SEC. 1068. PILOT PROGRAM ON CRYPTOLOGIC SERVICE TRAINING.

(a) **PROGRAM AUTHORIZED.**—The Director of the National Security Agency may carry out a pilot program on cryptologic service training for the intelligence community.

(b) **OBJECTIVE OF PROGRAM.**—The objective of the pilot program is to increase the num-

ber of qualified entry-level language analysts and intelligence analysts available to the National Security Agency and the other elements of the intelligence community through the directed preparation and recruitment of qualified entry-level language analysts and intelligence analysts who commit to a period of service or a career in the intelligence community.

(c) **PROGRAM SCOPE.**—The pilot program shall be national in scope.

(d) **PROGRAM PARTICIPANTS.**—(1) Subject to the provisions of this subsection, the Director shall select the participants in the pilot program from among individuals qualified to participate in the pilot program utilizing such procedures as the Director considers appropriate for purposes of the pilot program.

(2) Each individual who receives financial assistance under the pilot program shall perform one year of obligated service with the National Security Agency, or another element of the intelligence community approved by the Director, for each academic year for which such individual receives such financial assistance upon such individual's completion of post-secondary education.

(3) Each individual selected to participate in the pilot program shall be qualified for a security clearance appropriate for the individual under the pilot program.

(4) The total number of participants in the pilot program at any one time may not exceed 400 individuals.

(e) **PROGRAM MANAGEMENT.**—In carrying out the pilot program, the Director shall—

(1) identify individuals interested in working in the intelligence community, and committed to taking college-level courses that will better prepare them for a career in the intelligence community as a language analysts or intelligence analyst;

(2) provide each individual selected for participation in the pilot program—

(A) financial assistance for the pursuit of courses at institutions of higher education selected by the Director in fields of study that will qualify such individual for employment by an element of the intelligence community as a language analyst or intelligence analyst; and

(B) educational counseling on the selection of courses to be so pursued; and

(3) provide each individual so selected information on the opportunities available for employment in the intelligence community.

(f) **DURATION OF PROGRAM.**—(1) The Director shall terminate the pilot program not later than six years after the date of the enactment of this Act.

(2) The termination of the pilot program under paragraph (1) shall not prevent the Director from continuing to provide assistance, counseling, and information under subsection (e) to individuals who are participating in the pilot program on the date of termination of the pilot program throughout the academic year in progress as of that date.

AMENDMENT NO. 3293

(Purpose: To require a GAO analysis of the potential for using transitional benefit corporations in connection with competitive sourcing of the performance of activities and functions of the Department of Defense)

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. COMPTROLLER GENERAL ANALYSIS OF USE OF TRANSITIONAL BENEFIT CORPORATIONS IN CONNECTION WITH COMPETITIVE SOURCING OF PERFORMANCE OF DEPARTMENT OF DEFENSE ACTIVITIES AND FUNCTIONS.

(a) **REQUIREMENT FOR ANALYSIS.**—Not later than February 1, 2005, the Comptroller Gen-

eral shall submit to Congress an analysis of the potential for use of transitional benefit corporations in connection with competitive sourcing of the performance of activities and functions of the Department of Defense.

(b) **SPECIFIC ISSUES.**—The analysis under this section shall—

(1) address the capabilities of transitional benefit corporations—

(A) to preserve human capital and surge capability;

(B) to promote economic development and job creation;

(C) to generate cost savings; and

(D) to generate efficiencies that are comparable to or exceed the efficiencies that result from competitive sourcing carried out by the Department of Defense under the procedures applicable to competitive sourcing by the Department of Defense; and

(2) identify areas within the Department of Defense in which transitional benefit corporations could be used to add value, reduce costs, and provide opportunities for beneficial use of employees and other resources that are displaced by competitive sourcing of the performance of activities and functions of the Department of Defense.

(d) **TRANSITIONAL BENEFIT CORPORATION DEFINED.**—In this section, the term “transitional benefit corporation” means a corporation that facilitates the transfer of designated (usually underutilized) real estate, equipment, intellectual property, or other assets of the United States to the private sector in a process that enables employees of the United States in positions associated with the use of such assets to retain eligibility for Federal employee benefits and to continue to accrue those benefits.

AMENDMENT NO. 3399, AS MODIFIED

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. COMPTROLLER GENERAL STUDY OF PROGRAMS OF TRANSITION ASSISTANCE FOR PERSONNEL SEPARATING FROM THE ARMED FORCES.

(a) **REQUIREMENT FOR STUDY.**—The Comptroller General shall carry out a study of the programs of the Department of Defense and other departments and agencies of the Federal Government under which transition assistance is provided to personnel who are separating from active duty service in the Armed Forces.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit a report on the results of the study to the Committees on Armed Services of the Senate and the House of Representatives. The report shall include the following matters:

(1) Regarding the transition assistance programs under section 1142 and 1144 of title 10, United States Code—

(A) an analysis of the extent to which such programs are meeting the current needs of members of the Armed Forces as such personnel are discharged or released from active duty, including—

(i) a discussion of the original purposes of the programs;

(ii) a discussion of how the programs are currently being administered in relationship to those purposes; and

(iii) an assessment of whether the programs are adequate to meet the current needs of members of the reserve components, including the National Guard; and

(B) any recommendations that the Comptroller General considers appropriate for improving such programs, including any recommendation regarding whether participation by members of the Armed Forces in such programs should be required.

(2) An analysis of the differences, if any, among the Armed Forces and among the

commands of military installations of the Armed Forces regarding how transition assistance is being provided under the transition assistance programs, together with any recommendations that the Comptroller General considers appropriate—

(A) to achieve uniformity in the provision of assistance under such programs; and

(B) to ensure that the transition assistance is provided under such programs to members of the Armed Forces who are being separated at medical facilities of the uniformed services or Department of Veterans Affairs medical centers and to Armed Forces personnel on a temporary disability retired list under section 1202 or 1205 of title 10, United States Code.

(3) An analysis of the relationship of Department of Defense transition assistance programs to the transition assistance programs of the Department of Veterans Affairs and the Department of Labor, including the relationship of the benefits delivery at discharge program carried out jointly by the Department of Defense and the Department of Veterans Affairs to the other transition assistance programs.

(4) The rates of participation of Armed Forces personnel in the transition assistance programs, together with any recommendations that the Comptroller General considers appropriate to increase such participation rates, including any revisions of such programs that could result in increased participation.

(5) An assessment of whether the transition assistance information provided to Armed Forces personnel omits transition information that would be beneficial to such personnel, including an assessment of the extent to which information is provided under the transition assistance programs regarding participation in Federal Government procurement opportunities available at prime contract and subcontract levels to veterans with service-connected disabilities and other veterans, together with any recommendations that the Comptroller General considers appropriate regarding additional information that should be provided and any other recommendations that the Comptroller General considers appropriate for enhancing the provision of counseling on such procurement opportunities.

(6) An assessment of the extent to which representatives of military service organizations and veterans' service organizations are afforded opportunities to participate, and do participate, in pre-separation briefings under transition assistance programs, together with any recommendations that the Comptroller General considers appropriate regarding how representatives of such organizations could better be used to disseminate transition assistance information and provide pre-separation counseling to Armed Forces personnel, including personnel of the reserve components who are being released from active duty for continuation of service in the reserve components.

(7) An analysis of the use of post-deployment and predischARGE health screenings, together with any recommendations that the Comptroller General considers appropriate regarding whether and how to integrate the health screening process and the transition assistance programs into a single, coordinated pre-separation program for Armed Forces personnel being discharged or released from active duty.

(8) An analysis of the processes of the Armed Forces for conducting physical examinations of members of the Armed Forces in connection with discharge and release from active duty, including—

(A) how post-deployment questionnaires are used;

(B) the extent to which Armed Forces personnel waive the physical examinations; and

(C) how, and the extent to which, Armed Forces personnel are referred for followup health care.

(9) A discussion of the current process by which mental health screenings are conducted, followup mental health care is provided for, and services are provided in cases of post-traumatic stress disorder and related conditions for members of the Armed Forces in connection with discharge and release from active duty, together with—

(A) for each of the Armed Forces, the programs that are in place to identify and treat cases of post-traumatic stress disorder and related conditions; and

(B) for persons returning from deployments in connection with Operation Enduring Freedom and Operation Iraqi Freedom—

(i) the number of persons treated as a result of such screenings; and

(ii) the types of interventions.

(c) ACQUISITION OF SUPPORTING INFORMATION.—In carrying out the study under this section, the Comptroller General shall seek to obtain views from the following persons:

(1) The Secretary of Defense and the Secretaries of the military departments.

(2) The Secretary of Veterans Affairs.

(3) The Secretary of Labor.

(4) Armed Forces personnel who have received transition assistance under the programs covered by the study and Armed Forces personnel who have declined to accept transition assistance offered under such programs.

(5) Representatives of military service organizations and representatives of veterans' service organizations.

(6) Persons having expertise in health care (including mental health care) provided under the Defense Health Program, including Department of Defense personnel, Department of Veterans Affairs personnel, and persons in the private sector.

SEC. 1023. STUDY ON COORDINATION OF JOB TRAINING AND CERTIFICATION STANDARDS.

(a) REQUIREMENT FOR STUDY.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that are applied to corresponding civilian occupations by occupational licensing or certification agencies of governments and occupational certification agencies in the private sector.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall submit a joint report on the results of the study under subsection (a) to Congress.

SEC. 1024. CONTENT OF PRESEPARATION COUNSELING FOR PERSONNEL SEPARATING FROM ACTIVE DUTY SERVICE.

Section 1142 of title 10, United States Code, is amended—

(1) by adding at the end of subsection (b) the following new paragraph:

“(11) Information on participation in Federal Government procurement opportunities that are available at the prime contract level and at subcontract levels to veterans with service-connected disabilities and other veterans.”; and

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

“(d) REQUIREMENTS RELATING TO COUNSELING ON PROCUREMENT OPPORTUNITIES.—(1) For the counseling under subsection (b)(11), the Secretary concerned may provide for participation of representatives of the Secretary of Veterans Affairs, representatives of

the Administrator of the Small Business Administration, representatives of other appropriate executive agencies, and representatives of Veterans' Business Outreach Centers and Small Business Development Centers.

“(2) The Secretary concerned may provide for the counseling under paragraph (11) of subsection (b) to be offered at medical centers of the Department of Veterans Affairs as well as the medical care facilities of the uniformed services and other facilities at which the counseling on the other matters required under such subsection is offered. The access of representatives described in paragraph (1) to a member of the armed forces to provide such counseling shall be subject to the consent of that member.”.

AMENDMENT NO. 3325, AS MODIFIED

Strike section 867, and insert the following:

SEC. 867. CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.

(a) INAPPLICABILITY OF RANDOLPH-SHEPPARD ACT.—The Randolph-Sheppard Act does not apply to any contract described in subsection (b) for so long as the contract is in effect, including for any period for which the contract is extended pursuant to an option provided in the contract.

(b) JAVITS-WAGNER-O'DAY CONTRACTS.—Subsection (a) applies to any contract for the operation of a military mess hall, military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces that—

(1) was entered into before the date of the enactment of this Act with a nonprofit agency for the blind or an agency for other severely handicapped in compliance with section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 48); and

(2) either—

(A) is in effect on such date; or

(B) was in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136).

(c) REPEAL OF SUPERSEDED LAW.—Section 852 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1556) is repealed.

AMENDMENT NO. 3204, AS MODIFIED

On page 372, after line 17, insert the following:

SEC. 2844. COMPTROLLER GENERAL REPORT ON CLOSURE OF DEPARTMENT OF DEFENSE DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS AND COMMISSARY STORES.

(a) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that includes the following:

(1) With respect to Department of Defense dependent elementary and secondary schools—

(A) an assessment by the Comptroller General of the policy of the Department of Defense, and the criteria utilized by the Department, regarding the closure of schools, including whether or not such policy and criteria are consistent with Department policies and procedures on the preservation of the quality of life of members of the Armed Forces; and

(B) an assessment by the Comptroller General of any current or on-going studies or assessments of the Department with respect to any of the schools.

(2) With respect to commissary stores—

(A) an assessment by the Comptroller General of the policy of the Department of Defense, and the criteria utilized by the Department, regarding the closure of commissary stores, including whether or not

such policy and criteria are consistent with Department policies and procedures on the preservation of the quality of life of members of the Armed Forces; and

(B) an assessment by the Comptroller General of any current or on-going studies or assessments of the Department with respect to any of the commissary stores.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

AMENDMENT NO. 3441, AS MODIFIED

On page 195, between lines 10 and 11, insert the following:

SEC. 868. ACQUISITION OF AERIAL REFUELING AIRCRAFT FOR THE AIR FORCE.

(a) COMPLIANCE WITH APPLICABLE REQUIREMENTS.—The Secretary of Defense shall ensure that the Secretary of the Air Force does not proceed with the acquisition of aerial refueling aircraft for the Air Force by lease or other contract, either with full and open competition or under section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1413) until the date that is 60 days after the date on which the Secretary of Defense has—

(1) reviewed all documentation for the acquisition, including—

(A) the completed aerial refueling analysis of alternatives (AOA) required by section 134(b) of the National Defense Authorization Act for Fiscal Year 2004, pursuant to “Analysis of Alternatives (AoA) Guidance of KC-135 Recapitalization”, dated February 24, 2004;

(B) the completed aerial refueling portion of the Mobility Capabilities Study;

(C) a new validated capabilities document in accordance with the applicable Chairman of Joint Chiefs of Staff Instruction; and

(D) the approval of a Defense Acquisition Board in accordance with Department of Defense regulations; and

(2) submitted to the congressional defense committees a determination in writing that the acquisition is in compliance with all currently applicable laws, Office of Management and Budget circulars, and regulations.

(b) INDEPENDENT REVIEW.—Not later than 45 days after the Secretary of Defense makes the determination described in paragraph (2) of subsection (a), the Comptroller General and the Inspector General of the Department of Defense shall each review the documentation referred to in paragraph (1) of such subsection and submit to the congressional defense committees a report on the extent to which the acquisition is—

(1) in compliance with the requirements of this section and all currently applicable laws, Office of Management and Budget circulars, and regulations; and

(2) consistent with the analysis of alternatives referred to in subparagraph (A) of subsection (a)(1) and the other documentation referred to in such subsection.

(c) LIMITATION ON ACQUISITION BEYOND LOW-RATE INITIAL PRODUCTION.—(1) The acquisition by lease or other contract of any aerial refueling aircraft for the Air Force beyond low-rate initial production shall be subject to, and for such acquisition the Secretary of the Air Force shall comply with, the requirements of sections 2366 and 2399 of title 10, United States Code.

(2) For the purposes of this subsection, the term “low-rate initial production”, with respect to a lease, shall have the same meaning as applies in the administration of sections 2366 and 2399 of title 10, United States Code, with regard to any other form of acquisition.

(d) SOURCE SELECTION FOR INTEGRATED SUPPORT OF AERIAL REFUELING AIRCRAFT FLEET.—For the selection of a provider of integrated support for the aerial refueling aircraft fleet in any acquisition by lease or other contract of aerial refueling aircraft for the Air Force, the Secretary of the Air Force shall—

(1) before selecting the provider, perform all analyses required by law of—

(A) the costs and benefits of—

(i) the alternative of using Federal Government personnel to provide such support; and

(ii) the alternative of using contractor personnel to provide such support;

(B) the core logistics requirements;

(C) use of performance-based logistics; and

(D) the length of contract period; and

(2) select the provider on the basis of fairly conducted full and open competition (as defined in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6))).

(e) PRICE INFORMATION.—Before the Secretary of the Air Force commits to acquiring by lease or other contract any aerial refueling aircraft for the Air Force, the Secretary shall require the manufacturer to provide, with respect to commercial items covered by the lease or contract, appropriate information on the prices at which the same or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the items.

(f) AUDIT SERVICES.—The Secretary of the Air Force shall contact the Office of the Inspector General for the Department of Defense for review and approval of any Air Force use of non-Federal audit services for any lease or other contract for the acquisition of aerial refueling aircraft.

AMENDMENT NO. 3333, AS MODIFIED

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. PERIODIC DETAILED ACCOUNTING FOR OPERATIONS OF THE GLOBAL WAR ON TERRORISM.

(a) QUARTERLY ACCOUNTING.—Not later than 45 days after the end of each quarter of a year, the Secretary of Defense shall submit to the Congressional defense committees, for such quarter for each operation described in subsection (b), a full accounting of all costs incurred for such operation during such quarter and all amounts expended during such quarter for such operation, and the purposes for which such costs were incurred and such amounts were expended.

(b) OPERATIONS COVERED.—The operations referred to in subsection (a) are as follows:

(1) Operation Iraqi Freedom.

(2) Operation Enduring Freedom.

(3) Operation Noble Eagle.

(4) Any other operation that the President designates as being an operation of the Global War on Terrorism.

(c) REQUIREMENT FOR COMPREHENSIVENESS.—For the purpose of providing a full and complete accounting of the costs and expenditures under subsection (a) for operations described in subsection (b), the Secretary shall account in the quarterly submission under subsection (a) for all costs and expenditures that are reasonably attributable to such operations, including personnel costs.

AMENDMENT NO. 3319

(Purpose: To repeal certain requirements and limitations relating to the defense industrial base)

At the end of subtitle D of title VIII, add the following:

SEC. 844. REPEAL OF CERTAIN REQUIREMENTS AND LIMITATIONS RELATING TO THE DEFENSE INDUSTRIAL BASE.

(a) ESSENTIAL ITEM IDENTIFICATION AND DOMESTIC PRODUCTION CAPABILITIES IMPROVE-

MENT.—Sections 812, 813, and 814 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1542, 1543, 1545; 10 U.S.C. 2501 note) are repealed.

(b) ELIMINATION OF UNRELIABLE SOURCE FOR ITEMS AND COMPONENTS.—Section 821 of such Act (117 Stat. 1546; 10 U.S.C. 2534 note) is repealed.

AMENDMENT NO. 3339

(Purpose: To modify the priority afforded applications for national defense tank vessel construction assistance)

At the end of division B, add the following:

TITLE XXXIV—MARITIME ADMINISTRATION

SEC. 3401. MODIFICATION OF PRIORITY AFFORDED APPLICATIONS FOR NATIONAL DEFENSE TANK VESSEL CONSTRUCTION ASSISTANCE.

Section 3542(d) of the Maritime Security Act of 2003 (title XXXV of Public Law 108-136; 117 Stat. 1821; 46 U.S.C. 53101 note) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) shall give priority consideration to a proposal submitted by an applicant who has been accepted for participation in the Shipboard Technology Evaluation Program as outlined in Navigation and Vessel Inspection Circular 01-04, issued by the Commandant of the United States Coast Guard on January 2, 2004; and”.

AMENDMENT NO. 3371, AS MODIFIED

On page 130, between lines 9 and 10, insert the following:

SEC. 642. DEATH BENEFITS ENHANCEMENT.

(a) FINAL ACTIONS ON FISCAL YEAR 2004 DEATH BENEFITS STUDY.—(1) Congress finds that the study of the Federal death benefits for survivors of deceased members of the Armed Forces under section 647 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1520) has given Congress sufficient insight to initiate action to provide for the enhancement of the current set of death benefits that are provided under law for the survivors.

(2) The Secretary of Defense shall expedite the completion and submission of the final report, which was due on March 1, 2004, under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(3) It is the sense of Congress that the President should promptly submit to Congress any recommendation for legislation, together with a request for appropriations, that the President determines necessary to implement the death benefits enhancements that are recommended in the final report under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(b) INCREASES OF DEATH GRATUITY CONSISTENT WITH INCREASES OF RATES OF BASIC PAY.—Section 1478 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “(as adjusted under subsection (c))” before the period at the end of the first sentence; and

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

“(c) Effective on the date on which rates of basic pay under section 204 of this title are increased under section 1009 of title 37 or any other provision of law, the amount of the death gratuity provided under subsection (a) shall be increased by the same overall average percentage of the increase in the rates of basic pay taking effect on that date.”.

(c) FISCAL YEAR 2005 ACTIONS.—At the same time that the President submits to Congress the budget for fiscal year 2006

under section 1105(a) of title 31, United States Code, the President shall submit to the appropriate committees of Congress referred to in subsection (g) a draft or drafts of legislation to provide enhanced death benefits for survivors of deceased members of the uniformed services. The draft legislation shall include provisions for the following:

(1) Revision of the Servicemembers' Group Life Insurance program to provide for—

(A) an increase of the maximum benefit provided under Servicemembers' Group Life Insurance to \$350,000, together with an increase, each fiscal year, by the same overall average percentage increase that takes effect during such fiscal year in the rates of basic pay under section 204 of title 37, United States Code; and

(B) a minimum benefit of \$100,000 at no cost to the insured members of the uniformed services who elect the maximum coverage, together with an increase in such minimum benefit each fiscal year by the same percentage increase as is described in subparagraph (A).

(2) An additional set of death benefits for each member of the uniformed services who dies in the line of duty while on active duty that includes, at a minimum, an additional death gratuity in the amount that—

(A) in the case of a member not described in subparagraph (B), is equal to the sum of—

(i) the total amount of the basic pay to which the deceased member would have been entitled under section 204 of title 37, United States Code, if the member had not died and had continued to serve on active duty for an additional year; and

(ii) the total amount of all allowances and special pays that the member would have been entitled to receive under title 37, United States Code, over the one-year period beginning on the member's date of death if the member had not died and had continued to serve on active duty for an additional year with the unit to which the member was assigned or detailed on such date; and

(B) in the case of a member who dies as a result of an injury caused by or incurred while exposed to hostile action (including any hostile fire or explosion and any hostile action from a terrorist source), is equal to twice the amount calculated under subparagraph (A).

(3) Any other new death benefits or enhancement of existing death benefits that the President recommends.

(4) Retroactive applicability of the benefits referred to in paragraph (2) and, as appropriate, the benefits recommended under paragraph (3) so as to provide the benefits—

(A) for members of the uniformed services who die in line of duty on or after October 7, 2001, of a cause incurred or aggravated while deployed in support of Operation Enduring Freedom; and

(B) for members of the uniformed services who die in line of duty on or after March 19, 2003, of a cause incurred or aggravated while deployed in support of Operation Iraqi Freedom.

(d) CONSULTATION.—The President shall consult with the Secretary of Defense and the Secretary of Veterans Affairs in developing the draft legislation required under subsection (c).

(e) FISCAL YEAR 2006 BUDGET SUBMISSION.—The budget for fiscal year 2006 that is submitted to Congress under section 1105(a) of title 31, United States Code, shall include draft legislation (other than draft appropriations) that includes provisions that, on the basis of the assumption that the draft legislation submitted under subsection (c) would be enacted and would take effect in fiscal year 2006—

(1) would offset fully the increased outlays that would result from enactment of the provisions

of the draft legislation submitted under subsection (c), for fiscal year 2006 and each of the ensuing nine fiscal years;

(2) expressly state that they are proposed for the purpose of the offset described in paragraph (1); and

(3) are included in full in the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) with respect to the fiscal years referred to in paragraph (1).

(f) EARLY SUBMISSION OF PROPOSAL FOR ADDITIONAL DEATH BENEFITS.—Congress urges the President to submit the draft of legislation for the additional set of death benefits under paragraph (2) of subsection (c) before the time for submission required under that subsection and as soon as is practicable after the date of the enactment of this Act.

(g) APPROPRIATE COMMITTEES OF CONGRESS.—For the purposes of subsection (c), the appropriate committees of Congress are as follows:

(1) The Committees on Armed Services of the Senate and the House of Representatives, with respect to draft legislation that is within the jurisdiction of such committees.

(2) The Committees on Veterans Affairs of the Senate and the House of Representatives, with respect to draft legislation within the jurisdiction of such committees.

AMENDMENT NO. 3438, AS MODIFIED

In section 3161, as added by Senate Amendment 3438, strike subsection (b).

Mr. LEVIN. We support these amendments, Mr. President. We move to reconsider.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3371, AS MODIFIED

Mr. WARNER. We have two technical matters.

Sessions amendment No. 3371 was agreed to last week without a modification. I send to the desk a modified amendment No. 3371 as a substitute for the original amendment and ask unanimous consent that it be substituted for the version agreed to last week.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 3371) was agreed to as follows:

On page 130, between lines 9 and 10, insert the following:

SEC. 642. DEATH BENEFITS ENHANCEMENT.

(a) FINAL ACTIONS ON FISCAL YEAR 2004 DEATH BENEFITS STUDY.—(1) Congress finds that the study of the Federal death benefits for survivors of deceased members of the Armed Forces under section 647 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1520) has given Congress sufficient insight to initiate action to provide for the enhancement of the current set of death benefits that are provided under law for the survivors.

(2) The Secretary of Defense shall expedite the completion and submission of the final report, which was due on March 1, 2004, under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(3) It is the sense of Congress that the President should promptly submit to Congress any recommendation for legislation, together with a request for appropriations, that the President determines necessary to

implement the death benefits enhancements that are recommended in the final report under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(b) INCREASES OF DEATH GRATUITY CONSISTENT WITH INCREASES OF RATES OF BASIC PAY.—Section 1478 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting “(as adjusted under subsection (c))” before the period at the end of the first sentence; and

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

“(c) Effective on the date on which rates of basic pay under section 204 of this title are increased under section 1009 of title 37 or any other provision of law, the amount of the death gratuity provided under subsection (a) shall be increased by the same overall average percentage of the increase in the rates of basic pay taking effect on that date.”

(c) FISCAL YEAR 2005 ACTIONS.—At the same time that the President submits to Congress the budget for fiscal year 2006 under section 1105(a) of title 31, United States Code, the President shall submit to the appropriate committees of Congress referred to in subsection (g) a draft or drafts of legislation to provide enhanced death benefits for survivors of deceased members of the uniformed services. The draft legislation shall include provisions for the following:

(1) Revision of the Servicemembers' Group Life Insurance program to provide for—

(A) an increase of the maximum benefit provided under Servicemembers' Group Life Insurance to \$350,000, together with an increase, each fiscal year, by the same overall average percentage increase that takes effect during such fiscal year in the rates of basic pay under section 204 of title 37, United States Code; and

(B) a minimum benefit of \$100,000 at no cost to the insured members of the uniformed services who elect the maximum coverage, together with an increase in such minimum benefit each fiscal year by the same percentage increase as is described in subparagraph (A).

(2) An additional set of death benefits for each member of the uniformed services who dies in the line of duty while on active duty that includes, at a minimum, an additional death gratuity in the amount that—

(A) in the case of a member not described in subparagraph (B), is equal to the sum of—

(i) the total amount of the basic pay to which the deceased member would have been entitled under section 204 of title 37, United States Code, if the member had not died and had continued to serve on active duty for an additional year; and

(ii) the total amount of all allowances and special pays that the member would have been entitled to receive under title 37, United States Code, over the one-year period beginning on the member's date of death if the member had not died and had continued to serve on active duty for an additional year with the unit to which the member was assigned or detailed on such date; and

(B) in the case of a member who dies as a result of an injury caused by or incurred while exposed to hostile action (including any hostile fire or explosion and any hostile action from a terrorist source), is equal to twice the amount calculated under subparagraph (A).

(3) Any other new death benefits or enhancement of existing death benefits that the President recommends.

(4) Retroactive applicability of the benefits referred to in paragraph (2) and, as appropriate, the benefits recommended under paragraph (3) so as to provide the benefits—

(A) for members of the uniformed services who die in line of duty on or after October 7, 2001, of a cause incurred or aggravated while

deployed in support of Operation Enduring Freedom; and

(B) for members of the uniformed services who die in line of duty on or after March 19, 2003, of a cause incurred or aggravated while deployed in support of Operation Iraqi Freedom.

(d) CONSULTATION.—The President shall consult with the Secretary of Defense and the Secretary of Veterans Affairs in developing the draft legislation required under subsection (c).

(e) FISCAL YEAR 2006 BUDGET SUBMISSION.—The budget for fiscal year 2006 that is submitted to Congress under section 1105(a) of title 31, United States Code, shall include draft legislation (other than draft appropriations) that includes provisions that, on the basis of the assumption that the draft legislation submitted under subsection (c) would be enacted and would take effect in fiscal year 2006—

(1) would offset fully the increased outlays that would result from enactment of the provisions of the draft legislation submitted under subsection (c), for fiscal year 2006 and each of the ensuing nine fiscal years;

(2) expressly state that they are proposed for the purpose of the offset described in paragraph (1); and

(3) are included in full in the estimates that are made by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902(d)) with respect to the fiscal years referred to in paragraph (1).

(f) EARLY SUBMISSION OF PROPOSAL FOR ADDITIONAL DEATH BENEFITS.—Congress urges the President to submit the draft of legislation for the additional set of death benefits under paragraph (2) of subsection (c) before the time for submission required under that subsection and as soon as is practicable after the date of the enactment of this Act.

(g) APPROPRIATE COMMITTEES OF CONGRESS.—For the purposes of subsection (c), the appropriate committees of Congress are as follows:

(1) The Committees on Armed Services of the Senate and the House of Representatives, with respect to draft legislation that is within the jurisdiction of such committees.

(2) The Committees on Veterans Affairs of the Senate and the House of Representatives, with respect to draft legislation within the jurisdiction of such committees.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3438, AS MODIFIED

Mr. WARNER. Mr. President, on behalf of Senator BUNNING, I send an amendment to the desk which makes a technical change to amendment No. 3438 on the Energy Employee Occupational Illness Compensation Program that had been previously agreed to.

My understanding is the amendment is acceptable on each side.

Mr. LEVIN. The modification has been cleared on this side.

Mr. WARNER. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the previously agreed to amendment is modified.

The amendment (No. 3438), as modified, was agreed to as follows:

In section 3161, as added by Senate Amendment 3438, strike subsection (b).

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we have been in consultation with the leadership on both sides. I see the distinguished Democratic whip. I will make this unanimous consent request at this time.

I ask unanimous consent that when the Senate resumes consideration of the Defense authorization bill the Senate consider the following amendments in this order: Corzine amendment No. 3303, 30 minutes equally divided; Byrd amendment No. 3423, 20 minutes equally divided; McConnell, Iraq report and Kennedy amendment No. 3388, a total of 30 minutes equally divided for both amendments.

They will be voted on side by side.

Reed amendment No. 3353, 20 minutes equally divided; provided further that after the conclusion of all of the designated debate time, the Senate proceed to a series of consecutive votes in relation to the amendments mentioned above, in the order listed, with no second degrees in order to the amendments prior to the votes.

Mr. REID. Mr. President, reserving the right to object, will the distinguished chairman tell me again the order that those votes will take place?

Mr. WARNER. I have been informed that the first amendment is Corzine, the second is McConnell-Kennedy, the third is Reed, and the fourth is Byrd.

Mr. REID. Mr. President, reserving the right to object, I ask that the distinguished Senator modify his request, first of all, that after the first vote there be 10 minutes for each vote.

Mr. WARNER. Yes. After the first vote, 10 minutes.

Mr. REID. Second, that there be 2 minutes between each of these amendments. Senator BYRD has always asked that we do that.

Mr. WARNER. That is acceptable.

Mr. REID. Two minutes equally divided. That is fairly standard. The majority leader didn't want any time, as the chairman will recall.

Mr. WARNER. I understand. I have to look at it in the interest of my colleagues—no disrespect to the majority leader.

Mr. REID. Mr. President, this is fine with us. But I want the RECORD to reflect that we would agree to even less time on amendments. As we proceed with the debate on this group of amendments, we could have saved 30 minutes if we did not use all of our time.

We have no objection to the request of the distinguished Senator.

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

Mr. WARNER. Mr. President, I accept responsibility for increasing the time. I just feel that these are important issues, and some of my colleagues are very anxious to express their views. I want to make that possible.

Mr. LEVIN. Mr. President, one other issue, because we are trying to push this bill very quickly, we always appreciate and admire the Senator from Virginia for his forthright statements and knowledge. We think it might be possible as we proceed on at least these amendments that some of the time could be yielded. That would be in everybody's interest, if it is possible.

Mr. WARNER. That would be an option with equal division of time.

AMENDMENT NO. 3409

Ms. MIKULSKI. Mr. President, I rise in strong support of the Daschle amendment, and in strong support of our Nation's veterans.

Our men and women serving in Iraq and Afghanistan have my steadfast support. So do those who served before them. Our veterans need to know that America is with them and that we owe them a debt of gratitude. Congress must show that gratitude not just with words, but with deeds. That means making our troops and our veterans a priority in the Federal checkbook.

That is why I am such a strong supporter of the Daschle amendment. The goal of this amendment is simple and straightforward—to guarantee enough funding in the Federal checkbook each year to provide health care to every single veteran enrolled in the VA system.

This amendment does four things to support our Nation's veterans:

First, the amendment sets a minimum level of funding for VA health care each year. This amount is based on the number of veterans enrolled in the VA system. This is important to ensure that VA can provide care for every veteran, without rationing care or charging deductibles, fees, or increased copayments.

Second, the amendment provides an annual adjustment for inflation, so that VA can keep up with the rising costs of medical equipment, supplies, and prescription drugs.

Third, the amendment says that after 2 years, the General Accounting Office, GAO, will provide Congress with a report of whether this funding was adequate to provide care for all of our veterans. The amendment also sets up a process to correct any flaws that GAO identifies.

Fourth, the amendment moves future increases to VA health care funding from the discretionary to the mandatory side of the Federal budget. This is important so that the VA-HUD Subcommittee won't have to have to forage for funds each year, and veterans won't have to compete for funding.

As the ranking member of the VA-HUD Appropriations Subcommittee, my guiding principle for the VA budget is that promises made to our veterans must be promises kept. And each year, the VA-HUD Appropriations Subcommittee makes veterans health care funding the top priority. We do this on a bipartisan basis, because when it comes to caring for our Nation's veterans, we are not members of the

Democratic or Republican parties. We are members of the red, white, and blue party.

But each year, we have to forage for funds. Over the last 3 years, we have worked on a bipartisan basis to reject new fees and increased copayments on our Nation's veterans.

In 2003, the administration proposed that Priority 7 and 8 veterans pay a yearly \$1,500 deductible just to access VA health care. On a bipartisan basis, Congress rejected this proposal. Instead, we put \$1.1 billion more in VA's budget.

In 2004, the administration proposed that Priority 7 and 8 veterans pay a yearly \$250 fee to access VA health care. The budget also proposed increases in veterans' copayments—a 50 percent increase in the prescription drug copayment and a 30 percent increase in copayments for doctors' visits. Again, on a bipartisan basis, Congress rejected these proposals. Instead, we put \$1.3 billion more in the VA's budget.

The administration's 2005 budget again proposes a \$250 annual fee and increased prescription drug copayments for veterans. And again this year, Senator BOND and I will fight to find the funding to reject these proposals.

But despite our efforts and these record increases, VA health care funding is just not keeping up with the needs of our Nation's veterans. This mismatch of funding and demand for VA health care has led the administration to ration VA health care. In January 2002, the administration closed enrollment to all new Priority 8 veterans. This is unacceptable. In addition, the VA has already treated 10,000 of our newest veterans returning from Iraq and Afghanistan. Our newest veterans deserve to know that the VA will be there to care for them.

Finally, I want to point out that under this amendment, Congress would keep its oversight authority over how VA health care funding is spent. The Appropriations and Veterans Affairs Committees would still be able to hold VA accountable for how it spends its money, and how it provides health care to veterans. Congress will continue to stand up for our Nation's veterans.

The Task Force To Improve Health Care Delivery For Our Nation's Veterans, a bipartisan task force of experts on health care convened at the request of the President, concluded that there is a definite mismatch between demand and funding for VA health care. The Task Force recommended fixing this mismatch. The Daschle amendment is a bold solution to this problem.

Mr. President, I urge my colleagues to stand up for our Nation's veterans by supporting the Daschle amendment.

I yield the floor.

Mr. JOHNSON. Mr. President, I rise today in support of the Daschle amendment to the National Defense Authorization Act for Fiscal Year 2005.

Mr. President, I introduced the Veterans Health Care Funding Guarantee

Act in both the 107th and 108th Congress because I believe the system we use to fund VA health care is broken. Both my legislation and the Daschle amendment would fix this problem and fully fund the Veterans Administration health care system by making VA medical care mandatory, rather than discretionary, spending.

Once again, we face a budget that severely underfunds VA medical care needs. Under the budget submitted to Congress by the President, many veterans will not have access to the VA health care system, will have increased copayments and fees, and will face continuing delays to access the care they were promised. And once again, Congress will be forced to make the difficult choices in finding additional funds for the VA. I am concerned that this yearly struggle to find just enough funding for veterans health care is unsustainable; it breaks the promises we made to our veterans and threatens the long-term viability of the entire VA health care system.

This is what makes legislation such as the Veterans Health Care Funding Guarantee Act and the Daschle amendment particularly interesting. The amendment recognizes the need to automatically calculate the effects of inflation and to factor in the number of veterans utilizing the VA health care system in determining the necessary level of medical care funding.

Mr. President, this approach has been endorsed by the Disabled American Veterans, the Veterans of Foreign Wars, and the American Legion. In addition, the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans—a 15-member panel that was assembled to study the health care needs of our Nation's veterans—has weighed in on this issue. This Presidential task force released their recommendations in a report on May 28, 2003. The report stated clearly that the most pressing problem facing the VA health system is that funding is not keeping pace with the need for care.

While the panel encouraged greater cooperation between the VA and the Department of Defense's health care system, they recognized this would not address the fundamental problem. Instead, the panel recommended two solutions to the VA's funding problems: create an independent board which will set the level of VA health care spending each year, or establish a formula to provide a mandatory amount of funding for VA medical care. This second recommendation is the concept contained in the amendment we are debating today. I hope that my colleagues will read the report produced by the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans because I believe it provides a solid basis for supporting the Daschle amendment.

I close by discussing why we are debating this amendment today and on this particular bill. Some have questioned including a veterans health care

amendment as a part of the National Defense Authorization Act. However, I can think of no more appropriate bill on which to discuss whether or not we are going to live up to our commitments to our nation's veterans. As the father of a soldier who has served in Iraq, Afghanistan, Kosovo, and Bosnia, I know that poor treatment of our veterans severely impacts our ability to recruit and retain the best and brightest for our military. We simply can not separate the issue of the treatment of our troops and the treatment of our veterans.

Mr. President, I thank Senator DASCHLE for offering this amendment and encourage my colleagues to support our veterans by voting in favor of the pending amendment.

AMENDMENT NO. 3470

Mr. NELSON of Florida. Mr. President, today I submitted an amendment to the fiscal year 2005 National Defense Authorization bill that would eliminate the current offset against annuities paid by the Department of Defense Survivors' Benefits Plan—SBP—for Veterans Administration Dependency and Indemnity Compensation—DIC. I ask for my colleagues' support for this amendment and invite their cosponsorship.

Unfortunately, many of us do not realize that a reduction similar to the current offset rules for military retirement and veterans' disability compensation applies to the survivors of military retirees enrolled in the Survivor Benefit Plan—SBP. Payments for the survivors of our retirees from the military Survivor Benefit Plan—SBP—are reduced by benefits payable from the veterans' Dependency and Indemnity Compensation—DIC—program. Thus, surviving spouses of 100 percent disabled military retirees generally cannot receive benefits through both the retirement system and the veterans' disability system.

Over the last few years we have made a tremendous effort to repeal the law that prohibits concurrent receipt of retired pay and disability compensation for our military retirees. This year we have already adopted a provision in the fiscal year 2005 National Defense Authorization bill that will eliminate the phasing over 10 years of retired pay for retirees with 100 percent disability. I supported this provision. We have to take care of our most deserving retirees, but we should also take care of their survivors.

I have long supported the full implementation of concurrent receipt, but I do not understand why we would leave behind the widows and dependent children of those retirees that have purchased the income protection provided by the Survivors Benefit Plan. I know of no purchased annuity plan that denies its benefit based on the receipt of another benefit. This is wrong and it hurts our most valuable widows—those left behind by combat losses and retirees fully disabled by their service.

It is difficult to justify paying military retired pay and veterans' compensation concurrently to the retiree but not paying benefits from both the SBP and the DIC concurrently to that retiree's widow or surviving children. My amendment ensures consistency in the application of benefits to survivors from the SBP program and DIC. I urge the Senate to adopt this amendment and take care of our military widows.

Mr. WARNER. Mr. President, I do not believe there are further matters in relation to this bill. At this point in time, I will proceed to wrap up on behalf of leadership.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, as the chairman said just a few moments ago on the floor, there has been a lot of hard work on the Defense bill over the course of the last month and over the course of the day. We continued to clear amendments on both sides. And although we have been in a quorum call, off and on, over the course of the night, as the chairman implied, there have been a lot of negotiations, and a lot of progress has been made in addressing the large number of amendments that we, at 6:30, realized we had. We continue to clear amendments on both sides, and we have entered into an agreement for votes on approximately five amendments tomorrow morning.

Unfortunately—and I made it clear to both managers and representatives of our leadership and leadership on the other side of the aisle—it is still unclear as to exactly how we are going to bring this bill to closure, how we will finish this bill. We have had this large number of consultations throughout the evening with colleagues on both sides of the aisle, and I do think it is time we bring the bill to conclusion. I believe it is really past that time.

But, again, everybody is working in good faith. I do respect Members' rights to offer amendments. However, as majority leader, I am charged with ensuring that we finish our work and that we are able to address the other very important work ahead of us. I specifically mentioned, in this case, the appropriations bill which provides the funding to support our troops overseas.

Having said that, I will file a cloture motion so all of our options are preserved. I understand everybody is proceeding in good faith for completion tomorrow. We will continue to find a way to finish the bill tomorrow, but we will have this cloture vote on Thursday if it becomes necessary.

CLOTURE MOTION

Mr. President, 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 calendar No. 503, S. 2400, an original bill to authorize appropriations for fiscal year 2005 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 services, and for other purposes.

Bill Frist, Mitch McConnell, John Cornyn, Trent Lott, John W. Warner, Norm Coleman, Lincoln D. Chafee, Gordon Smith, Jon Kyl, John McCain, Peter Fitzgerald, John E. Sununu, Richard G. Lugar, Don Nickles, Mike DeWine, George V. Voinovich, George Allen, Kay Bailey Hutchison.

Mr. FRIST. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

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

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

Mr. ALLEN. Mr. President, soon we will be voting on the nomination of Walter DeKalb Kelley, Jr., to be a Federal judge for the U.S. District Court for the Eastern District of Virginia. My colleague, Senator WARNER, and I know him as Walt. We very much support his nomination. I have known Walt Kelley for a long time now. He is one who continues to impress me as a gentleman. I have always found him to be even tempered, no matter the situation, no matter how fractious things might be. He always has a good, steady demeanor about him, which I think is an important attribute, especially for a trial judge.

Senator WARNER and I interviewed many outstanding nominees for this judgeship in the Eastern District of Virginia. The things I care about are experience, to the extent you can find somebody who has judicial experience. Also, when you look at their experience and talk about them, whether it is in the courtroom or what their beliefs are, it is important to figure out what their judicial philosophy might be.

On the point of judicial philosophy, as a judge, Walt Kelley will be one who understands the proper role of the judiciary, in particular to adjudicate a case, applying the facts and evidence before the court, applying the law in the proper way, as opposed to a judge who might want to invent new law.

As far as experience is concerned, while Walt Kelley has not served as a judge, he has a tremendous amount of experience in the courtroom, arguing and taking to final adjudication 25 cases in various Federal courts.

He has been endorsed and supported by the Virginia Association of Defense Attorneys and the Virginia State Bar. The American Bar Association has also given Walt Kelley a unanimous opinion

of "well qualified." He is rated "AV" by Martindale-Hubbell. In addition, the Virginia Women Attorneys Association supports his nomination.

He is an individual of great character, and he supports important aspects of the community in the Hampton Roads area. He is the chairman or the rector of the Board of Visitors at Old Dominion University in Norfolk. He is a trustee at Norfolk Collegiate School, where he attended, and his three children currently attend school. He is an adjunct professor in antitrust law at Regent University School of Law. He was on the Virginia Attorney General's Task Force on Higher Education, and he is also the director of the Hampton Roads Salvation Army Adult Rehabilitation Center Advisory Board, making sure folks are rehabilitated from being addicted to drugs, or using drugs, so they may become productive citizens.

Walt Kelley is an outstanding individual. He has the experience, the temperament, and the right philosophy to be a judge in the Eastern District of Virginia for many decades to come. I look forward to voting for him and respectfully urge my colleagues to support the nomination of Walter Kelley to the United States District Court for the Eastern District of Virginia.

Mr. President, I yield the floor.

JUAN R. SANCHEZ

Mr. SPECTER. Mr. President, I rise in support of the nomination of Chester County Common Pleas Judge Juan Sanchez who is on the docket for confirmation at the present time. Judge Sanchez was born in Puerto Rico, but emigrated to the United States at an early age and has an outstanding academic record from City College of New York, where he had his bachelor's degree cum laude in 1978. He graduated from the University of Pennsylvania Law School with his J.D. degree and has a very impressive background. He served in the Legal Aid Society of Chester County where he was staff attorney for 2 years, and then a partner in a private law firm. He also served the County of Chester in the Public Defender's Office for some 4 years; and for the last 6 years, he has been a judge of the Court of Common Pleas of Chester County.

Mr. Sanchez was nominated by the bipartisan nominating committee which Senator SANTORUM and I have recommended to the President, withstood the rigor of the examinations and has been voted out of committee unanimously. I think he will make an outstanding judge.

I ask unanimous consent that Judge Sanchez's resume be printed in the RECORD.

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

JUAN R. SANCHEZ, RESUMÉ

Birth: December 22, 1955, Vega Baja, Puerto Rico.