

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1995. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1996. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1997. Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1998. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1999. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2000. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2001. Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2002. Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. DURBIN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2003. Mr. GRAHAM (for himself, Mrs. CLINTON, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2004. Mr. GRAHAM (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2005. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2006. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2007. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2008. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2009. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2010. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2011. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2012. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2013. Mr. HAGEL submitted an amendment intended to be proposed by him to the

bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2014. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2015. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2016. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2017. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2018. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2019. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2020. Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2021. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2022. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2023. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2024. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2025. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2026. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2027. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2028. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2029. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2030. Mr. TALEMENT (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2031. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2032. Mr. KERRY (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1955 proposed by Mr. WARNER (for himself and Mr. LEVIN) to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2033. Mr. KERRY (for himself, Mr. KENNEDY, Mr. REED, Mr. DORGAN, Mr. JEFFORDS, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. CORZINE, Mr. KOHL, Mr. BAYH, Mr. DURBIN, Ms. CANTWELL, Mrs. CLINTON, Mr. BAUCUS, Mr. REID, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill

H.R. 2863, supra; which was ordered to lie on the table.

SA 2034. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2035. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2036. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2037. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2038. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2039. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2040. Mrs. CLINTON (for herself, Mr. SALAZAR, Mr. CORZINE, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LAUTENBERG, Mr. LEAHY, Mr. CARPER, Mr. JEFFORDS, Mr. REED, Mr. HARKIN, Ms. STABENOW, Mr. OBAMA, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2041. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 2042. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 2043. Mr. LOTT submitted an amendment intended to be proposed to amendment SA 1955 proposed by Mr. WARNER (for himself and Mr. LEVIN) to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2044. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1955 proposed by Mr. WARNER (for himself and Mr. LEVIN) to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 2045. Mr. FRIST (for Mr. SPECTER) proposed an amendment to the bill S. 1197, to reauthorize the Violence Against Women Act of 1994.

## TEXT OF AMENDMENTS

**SA 1995.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

## Subtitle F—Financial Protections for Servicemembers

## SEC. 671. SHORT TITLE.

This subtitle may be cited as the “Patriot Penalty Elimination Act of 2005”.

**SEC. 672. INCOME PRESERVATION PAY FOR RESERVES SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) AUTHORITY.—Chapter 1209 of title 10, United States Code, is amended by inserting after section 12316 the following new section:

**“§ 12316a. Reserves: income preservation pay**

“(a) REQUIREMENT TO PAY.—The Secretary of the military department concerned shall pay income preservation pay under this section to an eligible member of a reserve component of the armed forces in connection with the member’s active-duty service as described in subsection (b).

“(b) ELIGIBLE MEMBER.—A member is eligible for income preservation pay if—

“(i) in the case of a member who is an employee of the Federal Government—

“(A) the member is called or ordered to active duty (other than voluntarily) under a provision of law referred to in section 101(a)(13)(B) of this title;

“(B)(i) pursuant to such call or order, the member serves on active duty outside the United States during at least 6 out of 12 consecutive months; or

“(ii) in the case of any member who has served on active duty outside the United States at any time pursuant to such a call or order and also serves on active duty pursuant to such a call or order in an area affected by Hurricane Katrina or Hurricane Rita, the member serves on active duty pursuant to such calls or orders to active duty during at least 6 out of 12 consecutive months; and

“(C) with respect to such active-duty service, the amount of the member’s preservice earned income determined under subparagraph (A) of subsection (c)(1) exceeds the amount of the member’s military service income determined under subparagraph (B) of such subsection; or

“(2) in the case of any other member, the member—

“(A) meets the requirements of paragraph (1); and

“(B) is not receiving employment income preservation payments from the qualifying employer of the member as described in section 12316b of this title.

“(c) AMOUNT.—(1) Subject to paragraph (2), the amount payable under this section to a member in connection with active-duty service is the amount equal to the excess (if any) of—

“(A) the amount computed by multiplying—

“(i) the preservice average monthly earned income of the member, by

“(ii) the total number of the member’s service months for such active-duty service, over

“(B) the amount computed by multiplying—

“(i) the military service average monthly income of the member, by

“(ii) the total number of months determined under subparagraph (A)(ii).

“(2) The total amount of income preservation pay that is paid to a member under this section may not exceed \$10,000.

“(d) PRESERVICE AVERAGE MONTHLY EARNED INCOME.—For the purposes of this section, the preservice average monthly earned income of a member who serves on active duty as described in subsection (b) shall be computed by dividing 12 into the total amount of the member’s earned income for the 12 months immediately preceding the member’s first service month of the period for which income preservation pay is to be paid to the member under this section.

“(e) MILITARY SERVICE AVERAGE MONTHLY INCOME.—For the purposes of this section, the military service average monthly income of a member who serves on active duty as described in subsection (b) is the amount determined by dividing—

“(1) the sum of the total amount of the member’s earned income (other than basic pay, special and incentive pays, and allowances) and the total amount of the member’s basic pay (under section 204 of title 37), any special and incentive pays paid to the member (under chapter 5 of title 37), and any allowances paid to the member (under chapter 7 of title 37) for the member’s service months for such active-duty service, by

“(2) the total number of such months.

“(f) TIME AND MANNER OF PAYMENT.—(1) Subject to paragraph (2), the total amount of income preservation pay that is payable under this section to a member in connection with service on active duty is due and payable, in one lump sum, not later than 30 days after the date on which the member is released from the active duty.

“(2) The Secretary concerned may make advance payment of income preservation pay in whole or in part under this section to a member, under such terms and conditions as the Secretary determines appropriate, if it is clear from the circumstances that it is likely that the member’s active-duty service will satisfy the requirements of subsection (b). In any case in which advance payment is made to a member whose period of such active-duty service does not satisfy such requirements, the Secretary concerned may waive recoupment of the advance payment if the Secretary determines that recoupment would be against equity and good conscience or would be contrary to the best interests of the United States.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘area affected by Hurricane Katrina or Hurricane Rita’ means an area that is under a designation by the President of a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in connection with Hurricane Katrina or Hurricane Rita.

“(2) The term ‘earned income’ has the meaning given such term in section 32(c)(2) of the Internal Revenue Code of 1986.

“(3) The term ‘service month’, with respect to service of a member of a reserve component of the armed forces on active duty, means a month during any part of which the member serves on active duty.

“(h) TERMINATION OF AUTHORITY.—This section shall cease to be effective on the first day of the first month that begins on or after the date that is five years after the date of the enactment of the Patriot Penalty Elimination Act of 2005.”.

(b) RECHARACTERIZATION OF EXISTING SECTION ON PAYMENT OF CERTAIN RESERVES ON ACTIVE DUTY.—The heading of section 12316 of title 10, United States Code, is amended to read as follows:

**“§ 12316. Reserves: payment of other entitlement instead of pay and allowances”.**

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of title 10, United States Code, is amended by striking the item relating to section 12316 and inserting the following new items:

“12316. Reserves: payment of other entitlement instead of pay and allowances.

“12316a. Reserves: income preservation pay.”

(d) EFFECTIVE DATE.—Section 12316a of title 10, United States Code (as added by subsection (a)), shall take effect as of January 1, 2003, and shall apply with respect to active-duty service that begins on or after such date.

**SEC. 673. EMPLOYMENT INCOME PRESERVATION ASSISTANCE GRANTS FOR EMPLOYERS OF RESERVES.**

(a) AUTHORITY.—Chapter 1209 of title 10, United States Code, as amended by section

672(a) of this Act, is further amended by inserting after section 12316a the following new section:

**“§ 12316b. Reserves: employment income preservation assistance grants for employers of reserves**

“(a) REQUIREMENT TO MAKE GRANTS.—The Secretary of the military department concerned shall make a grant to each qualifying employer to assist such employer in making employment income preservation payments to a covered member of a reserve component of the armed forces who is an employee of such employer to assist the member in preserving the preservice average monthly wage or salary of the member in connection with the member’s active-duty service as described in subsection (c).

“(b) QUALIFYING EMPLOYER.—(1) Except as provided in paragraph (2), for the purposes of this section, a qualifying employer is any employer who makes employment income preservation payments to a covered member to assist the member in preserving the preservice average monthly wage or salary of the member in connection with the member’s active-duty service as described in subsection (c).

“(2) A State or local government is not a qualifying employer for the purpose of this section.

“(c) COVERED MEMBER.—For the purposes of this section, a member is a covered member if—

“(1) the member is called or ordered to active duty (other than voluntarily) under a provision of law referred to in section 101(a)(13)(B) of this title;

“(2)(A) pursuant to such call or order, the member serves on active duty outside the United States during at least 6 out of 12 consecutive months; or

“(B) in the case of any member who has served on active duty outside the United States at any time pursuant to such a call or order and also serves on active duty pursuant to such a call or order in an area affected by Hurricane Katrina or Hurricane Rita, the member serves on active duty pursuant to such calls or orders to active duty during at least 6 out of 12 consecutive months; and

“(3) with respect to such active-duty service, the amount of the member’s preservice average monthly wage or salary (as determined under subsection (e)) exceeds the amount of the member’s military service average monthly income (as determined under subsection (f)).

“(d) EMPLOYMENT INCOME PRESERVATION PAYMENTS.—(1) For the purposes of this section, employment income preservation payments are any payments made by a qualifying employer to a covered member in connection with the active-duty service of the member described in subsection (c) in order to make up any excess of the member’s preservice average monthly wage or salary over the member’s military service average monthly income.

“(2) The total amount of employment income preservation payments with respect to a covered member for which a grant may be made under subsection (a) may not exceed \$10,000.

“(e) PRESERVICE AVERAGE MONTHLY WAGE OR SALARY.—For the purposes of this section, the preservice average monthly wage or salary of a covered member who serves on active duty as described in subsection (c) shall be computed by dividing—

“(1) the number of months of employment of the member with the qualifying employer during the 12-month period preceding the member’s commencement on active duty as described in subsection (c); into

“(2) the total amount of the member’s wage or salary paid by the qualifying employer during such months.

“(f) MILITARY SERVICE AVERAGE MONTHLY INCOME.—For the purposes of this section, the military service average monthly income of a member who serves on active duty as described in subsection (c) is the amount determined by dividing—

“(1) the sum of the total amount of the member's earned income (other than basic pay, special and incentive pays, and allowances) and the total amount of the member's basic pay (under section 204 of title 37), any special and incentive pays paid to the member (under chapter 5 of title 37), and any allowances paid to the member (under chapter 7 of title 37) for the member's service months for such active-duty service, by

“(2) the total number of such months.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘area affected by Hurricane Katrina or Hurricane Rita’ means an area that is under a designation by the President of a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in connection with Hurricane Katrina or Hurricane Rita.

“(2) The term ‘earned income’ has the meaning given such term in section 32(c)(2) of the Internal Revenue Code of 1986.

“(3) The term ‘service month’, with respect to service of a member of a reserve component of the armed forces on active duty, means a month during any part of which the member serves on active duty.

“(h) TERMINATION OF AUTHORITY.—This section shall cease to be effective on the first day of the first month that begins on or after the date that is five years after the date of the enactment of the Patriot Penalty Elimination Act of 2005.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of title 10, United States Code, as amended by section 672(c) of this Act, is further by inserting after the item relating to section 12316a the following new item:

“12316b. Reserves: income preservation assistance grants for employers of reserves.”.

(c) EFFECTIVE DATE.—Section 12316b of title 10, United States Code (as added by subsection (a)), shall take effect as of January 1, 2003, and shall apply with respect to active-duty service that begins on or after such date.

(d) OFFSET.—The Secretary of Defense shall transfer from the Iraq Freedom Fund to accounts for the payment of income preservation pay under section 12316a of title 10, United States Code (as added by subsection (a)), and for the making of income preservation assistance grants under section 12316b of title 10, United States Code (as added by subsection (b)), such amount of unobligated balances in the Iraq Freedom Fund as of the date of the enactment of this Act as the Secretary determines appropriate for the payment of such pay and the making of such grants during fiscal year 2006.

**SA 1996.** Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, add the following:

SEC. 8116. Of the amount appropriated by title III under the heading “OTHER PROCUREMENT, NAVY”, up to \$3,000,000 may be made available for the Joint Aviation Technical Data Intergration Program.

**SA 1997.** Ms. MIKULSKI submitted an amendment intended to be proposed

by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, add the following:

SEC. 8116. Of the amount appropriated by title III under the heading “OTHER PROCUREMENT, AIR FORCE”, up to \$3,000,000 may be made available for the Laser Marksmanship Training System.

**SA 1998.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE X—FINANCIAL PROTECTIONS FOR SERVICEMEMBERS**

**SEC. 1001. SHORT TITLE.**

This title may be cited as the “Patriot Penalty Elimination Act of 2005”.

**SEC. 1002. INCOME PRESERVATION PAY FOR RESERVES SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.**

(a) AUTHORITY.—Chapter 1209 of title 10, United States Code, is amended by inserting after section 12316 the following new section:

**“§ 12316a. Reserves: income preservation pay**

“(a) REQUIREMENT TO PAY.—The Secretary of the military department concerned shall pay income preservation pay under this section to an eligible member of a reserve component of the armed forces in connection with the member's active-duty service as described in subsection (b).

“(b) ELIGIBLE MEMBER.—A member is eligible for income preservation pay if—

“(1) in the case of a member who is an employee of the Federal Government—

“(A) the member is called or ordered to active duty (other than voluntarily) under a provision of law referred to in section 101(a)(13)(B) of this title;

“(B)(i) pursuant to such call or order, the member serves on active duty outside the United States during at least 6 out of 12 consecutive months; or

“(ii) in the case of any member who has served on active duty outside the United States at any time pursuant to such a call or order and also serves on active duty pursuant to such a call or order in an area affected by Hurricane Katrina or Hurricane Rita, the member serves on active duty pursuant to such calls or orders to active duty during at least 6 out of 12 consecutive months; and

“(C) with respect to such active-duty service, the amount of the member's preservice earned income determined under subparagraph (A) of subsection (c)(1) exceeds the amount of the member's military service income determined under subparagraph (B) of such subsection; or

“(2) in the case of any other member, the member—

“(A) meets the requirements of paragraph (1); and

“(B) is not receiving employment income preservation payments from the qualifying employer of the member as described in section 12316b of this title.

“(c) AMOUNT.—(1) Subject to paragraph (2), the amount payable under this section to a member in connection with active-duty service is the amount equal to the excess (if any) of—

“(A) the amount computed by multiplying—

“(i) the preservice average monthly earned income of the member, by

“(ii) the total number of the member's service months for such active-duty service, over

“(B) the amount computed by multiplying—

“(i) the military service average monthly income of the member, by

“(ii) the total number of months determined under subparagraph (A)(ii).

“(2) The total amount of income preservation pay that is paid to a member under this section may not exceed \$10,000.

“(d) PRESERVICE AVERAGE MONTHLY EARNED INCOME.—For the purposes of this section, the preservice average monthly earned income of a member who serves on active duty as described in subsection (b) shall be computed by dividing 12 into the total amount of the member's earned income for the 12 months immediately preceding the member's first service month of the period for which income preservation pay is to be paid to the member under this section.

“(e) MILITARY SERVICE AVERAGE MONTHLY INCOME.—For the purposes of this section, the military service average monthly income of a member who serves on active duty as described in subsection (b) is the amount determined by dividing—

“(1) the sum of the total amount of the member's earned income (other than basic pay, special and incentive pays, and allowances) and the total amount of the member's basic pay (under section 204 of title 37), any special and incentive pays paid to the member (under chapter 5 of title 37), and any allowances paid to the member (under chapter 7 of title 37) for the member's service months for such active-duty service, by

“(2) the total number of such months.

“(f) TIME AND MANNER OF PAYMENT.—(1) Subject to paragraph (2), the total amount of income preservation pay that is payable under this section to a member in connection with service on active duty is due and payable, in one lump sum, not later than 30 days after the date on which the member is released from the active duty.

“(2) The Secretary concerned may make advance payment of income preservation pay in whole or in part under this section to a member, under such terms and conditions as the Secretary determines appropriate, if it is clear from the circumstances that it is likely that the member's active-duty service will satisfy the requirements of subsection (b). In any case in which advance payment is made to a member whose period of such active-duty service does not satisfy such requirements, the Secretary concerned may waive recoupment of the advance payment if the Secretary determines that recoupment would be against equity and good conscience or would be contrary to the best interests of the United States.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘area affected by Hurricane Katrina or Hurricane Rita’ means an area that is under a designation by the President of a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in connection with Hurricane Katrina or Hurricane Rita.

“(2) The term ‘earned income’ has the meaning given such term in section 32(c)(2) of the Internal Revenue Code of 1986.

“(3) The term ‘service month’, with respect to service of a member of a reserve component of the armed forces on active duty, means a month during any part of which the member serves on active duty.

“(h) TERMINATION OF AUTHORITY.—This section shall cease to be effective on the first day of the first month that begins on or after the date that is five years after the date of

the enactment of the Patriot Penalty Elimination Act of 2005.”.

(b) RECHARACTERIZATION OF EXISTING SECTION ON PAYMENT OF CERTAIN RESERVES ON ACTIVE DUTY.—The heading of section 12316 of title 10, United States Code, is amended to read as follows:

**“§ 12316. Reserves: payment of other entitlement instead of pay and allowances”.**

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of title 10, United States Code, is amended by striking the item relating to section 12316 and inserting the following new items:

“12316. Reserves: payment of other entitlement instead of pay and allowances.

“12316a. Reserves: income preservation pay.”.

(d) EFFECTIVE DATE.—Section 12316a of title 10, United States Code (as added by subsection (a)), shall take effect as of January 1, 2003, and shall apply with respect to active-duty service that begins on or after such date.

**SEC. 1003. EMPLOYMENT INCOME PRESERVATION ASSISTANCE GRANTS FOR EMPLOYERS OF RESERVES.**

(a) AUTHORITY.—Chapter 1209 of title 10, United States Code, as amended by section 1002(a) of this Act, is further amended by inserting after section 12316a the following new section:

**“§ 12316b. Reserves: employment income preservation assistance grants for employers of reserves**

“(a) REQUIREMENT TO MAKE GRANTS.—The Secretary of the military department concerned shall make a grant to each qualifying employer to assist such employer in making employment income preservation payments to a covered member of a reserve component of the armed forces who is an employee of such employer to assist the member in preserving the preservice average monthly wage or salary of the member in connection with the member's active-duty service as described in subsection (c).

“(b) QUALIFYING EMPLOYER.—(1) Except as provided in paragraph (2), for the purposes of this section, a qualifying employer is any employer who makes employment income preservation payments to a covered member to assist the member in preserving the preservice average monthly wage or salary of the member in connection with the member's active-duty service as described in subsection (c).

“(2) A State or local government is not a qualifying employer for the purpose of this section.

“(c) COVERED MEMBER.—For the purposes of this section, a member is a covered member if—

“(1) the member is called or ordered to active duty (other than voluntarily) under a provision of law referred to in section 101(a)(13)(B) of this title;

“(2)(A) pursuant to such call or order, the member serves on active duty outside the United States during at least 6 out of 12 consecutive months; or

“(B) in the case of any member who has served on active duty outside the United States at any time pursuant to such a call or order and also serves on active duty pursuant to such a call or order in an area affected by Hurricane Katrina or Hurricane Rita, the member serves on active duty pursuant to such calls or orders to active duty during at least 6 out of 12 consecutive months; and

“(3) with respect to such active-duty service, the amount of the member's preservice average monthly wage or salary (as determined under subsection (e)) exceeds the amount of the member's military service av-

erage monthly income (as determined under subsection (f)).

“(d) EMPLOYMENT INCOME PRESERVATION PAYMENTS.—(1) For the purposes of this section, employment income preservation payments are any payments made by a qualifying employer to a covered member in connection with the active-duty service of the member described in subsection (c) in order to make up any excess of the member's preservice average monthly wage or salary over the member's military service average monthly income.

“(2) The total amount of employment income preservation payments with respect to a covered member for which a grant may be made under subsection (a) may not exceed \$10,000.

“(e) PRESERVICE AVERAGE MONTHLY WAGE OR SALARY.—For the purposes of this section, the preservice average monthly wage or salary of a covered member who serves on active duty as described in subsection (c) shall be computed by dividing—

“(1) the number of months of employment of the member with the qualifying employer during the 12-month period preceding the member's commencement on active duty as described in subsection (c); into

“(2) the total amount of the member's wage or salary paid by the qualifying employer during such months.

“(f) MILITARY SERVICE AVERAGE MONTHLY INCOME.—For the purposes of this section, the military service average monthly income of a member who serves on active duty as described in subsection (c) is the amount determined by dividing—

“(1) the sum of the total amount of the member's earned income (other than basic pay, special and incentive pays, and allowances) and the total amount of the member's basic pay (under section 204 of title 37), any special and incentive pays paid to the member (under chapter 5 of title 37), and any allowances paid to the member (under chapter 7 of title 37) for the member's service months for such active-duty service, by

“(2) the total number of such months.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘area affected by Hurricane Katrina or Hurricane Rita’ means an area that is under a designation by the President of a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in connection with Hurricane Katrina or Hurricane Rita.

“(2) The term ‘earned income’ has the meaning given such term in section 32(c)(2) of the Internal Revenue Code of 1986.

“(3) The term ‘service month’, with respect to service of a member of a reserve component of the armed forces on active duty, means a month during any part of which the member serves on active duty.

“(h) TERMINATION OF AUTHORITY.—This section shall cease to be effective on the first day of the first month that begins on or after the date that is five years after the date of the enactment of the Patriot Penalty Elimination Act of 2005.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of title 10, United States Code, as amended by section 1002(c) of this Act, is further by inserting after the item relating to section 12316a the following new item:

“12316b. Reserves: income preservation assistance grants for employers of reserves.”.

(c) EFFECTIVE DATE.—Section 12316b of title 10, United States Code (as added by subsection (a)), shall take effect as of January 1, 2003, and shall apply with respect to active-duty service that begins on or after such date.

(d) OFFSET.—The Secretary of Defense shall transfer from the Iraq Freedom Fund to accounts for the payment of income preservation pay under section 12316a of title 10, United States Code (as added by subsection (a)), and for the making of income preservation assistance grants under section 12316b of title 10, United States Code (as added by subsection (b)), such amount of unobligated balances in the Iraq Freedom Fund as of the date of the enactment of this Act as the Secretary determines appropriate for the payment of such pay and the making of such grants during fiscal year 2006.

**SA 1999.** Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_.** (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ AND AFGHANISTAN AND FOR OTHER DEFENSE-RELATED ACTIVITIES THROUGH REPEAL OF THE SCHEDULED PHASEOUT OF THE LIMITATIONS ON PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—The Internal Revenue Code of 1986 is amended—

(1) by striking subparagraphs (E) and (F) of section 151(d)(3), and

(2) by striking subsections (f) and (g) of section 68.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

**SA 2000.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

**SEC. 8116.** Section 8013 of the Department of Defense Appropriations Act, 1994 (Public Law 103-139; 107 Stat. 1440) is amended by striking “the report to the President from the Defense Base Closure and Realignment Commission, July 1991” and inserting “the reports to the President from the Defense Base Closure and Realignment Commission, July 1991 and July 1993”.

**SA 2001.** Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

In an appropriate place insert the following:

**SEC. \_\_\_\_.** **SENSE OF THE SENATE REGARDING DEPOT MAINTENANCE.**

(a) FINDINGS.—The Senate finds that—  
(1) the Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential requirements for the Air Force to maintain a ready and controlled source of organic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air

Force in 2002, the service has made great progress toward modernizing all 3 of its Depots, in order to maintain their status as "world class" maintenance repair and overhaul operations;

(3) 1 of the indispensable components of the Depot Maintenance Strategy and Master Plan of the Air Force is the commitment of the Air Force to allocate \$150,000,000 a year over 6 years, beginning in fiscal year 2004, for recapitalization and investment, including the procurement of technologically advanced facilities and equipment, of our Nation's 3 Air Force depots; and

(4) the funds expended to date have ensured that transformation projects, such as the initial implementation of "Lean" and "Six Sigma" production techniques, have achieved great success in dramatically reducing the time necessary to perform depot maintenance on aircraft.

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

(1) the Air Force should be commended for the implementation of its Depot Maintenance Strategy and Master Plan and, in particular, meeting its commitment to invest \$150,000,000 a year over 6 years, since fiscal year 2004, in the Nation's 3 Air Force Depots; and

(2) the Air Force should continue to fully fund its commitment of \$150,000,000 a year through fiscal year 2009 in investments and recapitalization projects pursuant to the Depot Maintenance Strategy and Master Plan.

**SA 2002.** Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. DURBIN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$1,000,000 may be used for Combat Vehicle and Automotive Technology (PE#0602601A) for the Multipurpose Utility Vehicle.

**SA 2003.** Mr. GRAHAM (for himself, Mrs. CLINTON, and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) GENERAL ELIGIBILITY.—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking "(a) ELIGIBILITY.—A member" and inserting "(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member";

(2) by striking "after the member completes" and all that follows through "one or more whole years following such date"; and

(3) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5."

(b) CONDITION FOR TERMINATION OF ELIGIBILITY.—Subsection (b) of such section is

amended by striking "(b) PERIOD OF COVERAGE.—(1) TRICARE Standard" and all that follows through "(3) Eligibility" and inserting "(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility".

(c) CONFORMING AMENDMENTS.—

(1) Such section is further amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d).

(2) The heading for such section is amended to read as follows:

**§ 1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.**

(d) REPEAL OF OBSOLETE PROVISION.—Section 1076b of title 10, United States Code, is repealed.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

"1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve."

(f) SAVINGS PROVISION.—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

(g) FUNDING.—Of the amount appropriated by title VI under the heading "DEFENSE HEALTH PROGRAM", up to \$180,000,000 may be used to carry out the amendments made by this section.

**SA 2004.** Mr. GRAHAM (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) AUTHORITY TO UTILIZE COMBATANT STATUS REVIEW TRIBUNALS AND ADMINISTRATIVE REVIEW BOARD TO DETERMINE STATUS OF DETAINEES AT GUANTANAMO BAY, CUBA.—The President is authorized to utilize the Combatant Status Review Tribunals and a noticed Administrative Review Board, and the procedures thereof as specified in subsection (b), currently in operation at Guantanamo Bay, Cuba, in order to determine the status of the detainees held at Guantanamo Bay, including whether any such detainee is a lawful enemy combatant or an unlawful enemy combatant.

(b) PROCEDURES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the procedures specified in this subsection are the procedures that were in effect in the Department of Defense for the conduct of the Combatant Status Review Tribunal and the Administrative Review Board on July 1, 2005.

(2) EXCEPTION.—The exceptions provided in this paragraph for the procedures specified in paragraph (1) are as follows:

(A) To the extent practicable, the Combatant Status Review Tribunal shall determine, by a preponderance of the evidence, whether statements derived from persons held in foreign custody were obtained without undue coercion.

(B) The Designated Civilian Official shall be an officer of the United States Govern-

ment whose appointment to office was made by the President, by and with the advise and consent of the Senate.

(3) MODIFICATION OF PROCEDURES.—The President may modify the procedures and requirements set forth under paragraphs (1) and (2). Any modification of such procedures or requirements may not go into effect until 30 days after the date on which the President notifies the congressional defense committees of the modification.

(c) DEFINITIONS.—In this section:

(1) The term "lawful enemy combatant" means person engaging in war or other armed conflict against the United States or its allies on behalf of a state party to the Geneva Convention Relative to the Treatment of Prisoners of War, dated August 12, 1949, who meets the criteria of a prisoner of war under Article 4 of that Convention.

(2) The term "unlawful enemy combatant", with respect to noncitizens of the United States, means a person (other than a person described in paragraph (1)) engaging in war, other armed conflict, or hostile acts against the United States or its allies, regardless of location.

**SA 2005.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated by this Act may be obligated or expended for the further development, deployment, or operation of any web-based, end-to-end travel management system, or services under any contract for such travel services that provides for payment by the Department of Defense to the service provider above, or in addition to, a fixed price transaction fee for eTravel services under the General Services Administration eTravel contract.

**SA 2006.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision of this Act, none of the funds appropriated by this Act may be made available to the Centers for Disease Control and Prevention for activities relating to the avian flu epidemic.

**SA 2007.** Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. \_\_\_\_\_. CREDITABLE SERVICE FOR FEDERAL RETIREMENT FOR CERTAIN INDIVIDUALS.**

(a) AMENDMENTS.—

(1) IN GENERAL.—Section 8332(b) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (16);

(B) by striking the period at the end of paragraph (17) and inserting “; and”;

(C) by adding after paragraph (17) the following:

“(18) any period of service performed before 1977, while a citizen of the United States, in the employ of Air America, Incorporated, Air Asia Company Limited (a subsidiary of Air America, Incorporated), or the Pacific Division of Southern Air Transport, Incorporated, at a time when that corporation (or subsidiary) was owned or controlled by the Government of the United States and operated or managed by the Central Intelligence Agency.”; and

(D) by adding at the end the following: “For purposes of this subchapter, service of the type described in paragraph (18) of this subsection shall be considered to have been service as an employee, and the Office of Personnel Management shall accept the certification of the Director of the Central Intelligence Agency or his designee concerning any such service.”.

(2) EXEMPTION FROM DEPOSIT REQUIREMENT.—Section 8334(g) of title 5, United States Code, is amended—

(A) by striking “or” at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting “; or”; and

(C) by adding after paragraph (6) the following:

“(7) any service for which credit is allowed under section 8332(b)(18) of this title.”.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply with respect to annuities commencing on or after the effective date of this section.

(2) PROVISIONS RELATING TO CURRENT ANNUITANTS.—Any individual who is entitled to an annuity for the month in which this section becomes effective may, upon application submitted to the Office of Personnel Management within 2 years after the effective date of this section, have the amount of such annuity recomputed as if the amendments made by this section had been in effect throughout all periods of service on the basis of which such annuity is or may be based. Any such recomputation shall be effective as of the commencement date of the annuity, and any additional amounts becoming payable for periods before the first month for which the recomputation is reflected in the individual's regular monthly annuity payments shall be payable to such individual in the form of a lump-sum payment.

(3) PROVISIONS RELATING TO INDIVIDUALS ELIGIBLE FOR (BUT NOT CURRENTLY RECEIVING) AN ANNUITY.—

(A) IN GENERAL.—Any individual (not described in paragraph (2)) who becomes eligible for an annuity or for an increased annuity as a result of the enactment of this section may elect to have such individual's rights under subchapter III of chapter 83 of title 5, United States Code, determined as if the amendments made by this section had been in effect, throughout all periods of service on the basis of which such annuity is or would be based, by submitting an appropriate application to the Office of Personnel Management within 2 years after—

(i) the effective date of this section; or

(ii) if later, the date on which such individual separates from service.

(B) COMMENCEMENT DATE, ETC.—

(i) IN GENERAL.—Any entitlement to an annuity or to an increased annuity resulting from an application under subparagraph (A) shall be effective as of the commencement date of such annuity (subject to clause (ii), if applicable), and any amounts becoming payable for periods before the first month for which regular monthly annuity payments

begin to be made in accordance with the amendments made by this section shall be payable to such individual in the form of a lump-sum payment.

(ii) RETROACTIVITY.—Any determination of the amount, or of the commencement date, of any annuity, all the requirements for entitlement to which (including separation, but disregarding any application requirement) would have been satisfied before the effective date of this section if this section had then been in effect (but would not then otherwise have been satisfied absent this section) shall be made as if application for such annuity had been submitted as of the earliest date that would have been allowable, after such individual's separation from service, if such amendments had been in effect throughout the periods of service referred to in the first sentence of subparagraph (A).

(4) RIGHT TO FILE ON BEHALF OF A DECEASED.—The regulations under subsection (d)(1) shall include provisions, consistent with the order of precedence set forth in section 8342(c) of title 5, United States Code, under which a survivor of an individual who performed service described in section 8332(b)(18) of such title (as amended by subsection (a) of this section) shall be allowed to submit an application on behalf of and to receive any lump-sum payment that would otherwise have been payable to the decedent under paragraph (2) or (3) of this subsection. Such an application shall not be valid unless it is filed within 2 years after the effective date of this section or 1 year after the date of the decedent's death, whichever is later.

(c) FUNDING.—

(1) LUMP-SUM PAYMENTS.—Any lump-sum payments under subsection (b) shall be payable out of the Civil Service Retirement and Disability Fund.

(2) UNFUNDED LIABILITY.—Any increase in the unfunded liability of the Civil Service Retirement System attributable to the enactment of this section shall be financed in accordance with section 8348(f) of title 5, United States Code.

(d) REGULATIONS AND SPECIAL RULE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Director of the Office of Personnel Management, in consultation with the Director of the Central Intelligence Agency, shall prescribe any regulations necessary to carry out this section. Such regulations shall include provisions under which rules similar to those established pursuant to section 201 of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 514) shall be applied with respect to any service described in section 8332(b)(18) of title 5, United States Code (as amended by subsection (a) of this section) that was subject to title II of the Social Security Act.

(2) OTHER REGULATIONS.—The Director of the Central Intelligence Agency, in consultation with the Director of the Office of Personnel Management, shall prescribe any regulations which may become necessary, with respect to any retirement system administered by the Director of the Central Intelligence Agency, as a result of the enactment of this section.

(3) SPECIAL RULE.—For purposes of any application for any benefit which is computed or recomputed taking into account any service described in section 8332(b)(18) of title 5, United States Code (as amended by subsection (a) of this section), section 8345(i)(2) of such title shall be applied by deeming the reference to the date of the “other event which gives rise to title to the benefit” to refer to the effective date of this section, if later than the date of the event that would otherwise apply.

(e) DEFINITIONS.—For purposes of this section—

(1) the terms “unfunded liability”, “survivor”, and “survivor annuitant” have the meanings given under section 8331 of title 5, United States Code; and

(2) the term “annuity”, as used in paragraphs (2) and (3) of subsection (b), includes a survivor annuity.

(f) EFFECTIVE DATE.—This section shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this section.

**SA 2008.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE”, up to \$2,500,000 may be available for advanced technology for IRCM component improvement.

**SA 2009.** Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to \$3,000,000 may be available for the Field Rapid Assay Biological System.

**SA 2010.** Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY”, up to \$2,000,000 may be used for Program Element #0603235N for the Shipboard Automated Reconstruction Capability.

**SA 2011.** Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to \$3,000,000 may be used for the Joint Service Small Arms Program.

**SA 2012.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH.**

(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters relating to mental health and the Armed Forces.

(b) COMPOSITION.—

(1) MEMBERS.—The task force shall consist of not more than 14 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in the area of mental health.

(2) RANGE OF MEMBERS.—The individuals appointed to the task force shall include—

(A) at least one member of each of the Army, Navy, Air Force, and Marine Corps; and

(B) a number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the task force.

(3) INDIVIDUALS APPOINTED WITHIN DEPARTMENT OF DEFENSE.—At least one of the individuals appointed to the task force from within the Department of Defense shall be the surgeon general of an Armed Force or a designee of such surgeon general.

(4) INDIVIDUALS APPOINTED OUTSIDE DEPARTMENT OF DEFENSE.—(A) Individuals appointed to the task force from outside the Department of Defense may include officers or employees of other departments or agencies of the Federal Government, officers or employees of State and governments, or individuals from the private sector.

(B) The individuals appointed to the task force from outside the Department of Defense shall include—

(i) an officer or employee of the Department of Veterans Affairs appointed by the Secretary of Defense in consultation with the Secretary of Veterans Affairs;

(ii) an officer or employee of the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services appointed by the Secretary of Defense in consultation with the Secretary of Health and Human Services; and

(iii) at least two individuals who are representatives of—

(I) a mental health policy and advocacy organization; and

(II) a national veterans service organization.

(5) DEADLINE FOR APPOINTMENT.—All appointments of individuals to the task force shall be made not later than 120 days after the date of the enactment of this Act.

(6) CO-CHAIRS OF TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Defense at the time of appointment from among the Department of Defense personnel appointed to the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by members so appointed.

(c) LONG-TERM PLAN ON MENTAL HEALTH SERVICES.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary a long-term plan (referred to as a strategic plan) on means by which the Department of Defense shall improve the efficacy of mental health services provided to members of Armed Forces by the Department of Defense.

(2) UTILIZATION OF OTHER EFFORTS.—In preparing the report, the task force shall take into consideration completed and ongoing efforts by the Department of Defense to improve the efficacy of mental health care provided to members of the Armed Forces by the Department.

(3) ELEMENTS.—The long-term plan shall include an assessment of and recommendations (including recommendations for legislative or administrative action) for measures to improve the following:

(A) The awareness of the prevalence of mental health conditions among members of the Armed Forces.

(B) The efficacy of existing programs to prevent, identify, and treat mental health conditions among members of the Armed Forces, including programs for and with respect to forward-deployed troops.

(C) The reduction or elimination of barriers to care, including the stigma associated with seeking help for mental health related conditions, and the enhancement of confidentiality for members of the Armed Forces seeking care for such conditions.

(D) The adequacy of outreach, education, and support programs on mental health matters for families of members of the Armed Forces.

(E) The efficacy of programs and mechanisms for ensuring a seamless transition from care of members of the Armed Forces on active duty for mental health conditions through the Department of Defense to care for such conditions through the Department of Veterans Affairs after such members are discharged or released from military, naval, or air service.

(F) The availability of long-term follow-up and access to care for mental health conditions for members of the Individual Ready Reserve, and the Selective Reserve and for discharged, separated, or retired members of the Armed Forces.

(G) Collaboration among organizations in the Department of Defense with responsibility for or jurisdiction over the provision of mental health services.

(H) Coordination between the Department of Defense and civilian communities, including local support organizations, with respect to mental health services.

(I) The scope and efficacy of curricula and training on mental health matters for commanders in the Armed Forces.

(J) Such other matters as the task force considers appropriate.

(d) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) ADMINISTRATIVE SUPPORT.—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the task force.

(4) ACCESS TO FACILITIES.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and facilities for purposes of the discharge of the duties of the task force.

(e) REPORT.—

(1) IN GENERAL.—The task force shall submit to the Secretary of Defense a report on its activities under this section. The report shall include—

(A) a description of the activities of the task force;

(B) the plan required by subsection (c); and

(C) such other matters relating to the activities of the task force that the task force considers appropriate.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary shall transmit the report to the Committees on Armed Services and Veterans' Affairs of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to Congress under subsection (e)(2).

**SA 2013.** Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. \_\_\_\_\_. EXCLUSION OF SPECIAL PAY AND ALLOWANCES FROM INCOME FOR SUPPLEMENT SECURITY INCOME BENEFITS.**

(a) IN GENERAL.—Paragraph (20) of section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)(20)) is amended to read as follows:

“(20) special pay receive pursuant to chapter 5 of title 37, United States Code, and allowances received pursuant to chapter 7 of title 37, United States Code;”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to eligibility determinations made and benefit amounts payable after the date of the enactment of this Act.

**SA 2014.** Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 160, strike line 16 and all that follows through page 161, line 5, and insert the following:

(B) \$10,000,000.

**SA 2015.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. (a) PROMOTION OF FAMILY FORMATION AND HEALTHY MARRIAGE.**—Section 402(a)(1)(A) of the Social Security Act (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

“(vii) Encourage equitable treatment of healthy 2-parent married families under the program referred to in clause (i).”.

(b) **HEALTHY MARRIAGE PROMOTION GRANTS; REPEAL OF BONUS FOR REDUCTION OF ILLEGITIMACY RATIO.**—Section 403(a)(2) of such Act

(42 U.S.C. 603(a)(2)) is amended to read as follows:

“(2) **HEALTHY MARRIAGE PROMOTION GRANTS.**—

“(A) **AUTHORITY.**—

“(i) **IN GENERAL.**—The Secretary shall award competitive grants to States and Indian tribes and tribal organizations for not more than 50 percent of the cost of developing and implementing innovative programs to promote and support healthy 2-parent married families.

“(ii) **USE OF OTHER TANF FUNDS.**—A State or Indian tribe or tribal organization with an approved tribal family assistance plan may use funds provided under other grants made under this part for all or part of the expenditures incurred for the remainder of the costs described in clause (i). In the case of a State, any such funds expended shall not be considered qualified State expenditures for purposes of section 409(a)(7).

“(B) **HEALTHY MARRIAGE PROMOTION ACTIVITIES.**—Funds provided under subparagraph (A) and corresponding State matching funds shall be used to support any of the following programs or activities:

“(i) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

“(ii) Education in high schools on the importance of healthy marriages and the characteristics of other healthy relationships experienced throughout life, including education on the importance of grounding all relationships in mutual respect and how earlier healthy relationships are the building blocks for later healthy marital relationships.

“(iii) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women, non-married expectant fathers, and non-married recent parents.

“(iv) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.

“(v) Marriage enhancement and marriage skills training programs for married couples.

“(vi) Divorce reduction programs that teach relationship skills.

“(vii) Marriage mentoring programs which use married couples as role models and mentors.

“(viii) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

“(C) **VOLUNTARY PARTICIPATION.**—

“(i) **IN GENERAL.**—Participation in programs or activities described in any of clauses (iii) through (vii) of subparagraph (B) shall be voluntary.

“(ii) **ASSURANCE OF INFORMED CONSENT AND OPTION TO DISENROLL.**—Each State or Indian tribe or tribal organization that carries out programs or activities described in any of clauses (iii) through (vii) of subparagraph (B) shall provide the Secretary with an assurance that each recipient of assistance under the State program funded under this part who elects to participate in such programs or activities shall be informed, prior to making such election—

“(I) that such participation is voluntary;

“(II) that the recipient may elect at any time to disenroll from such programs or activities by notifying the State or Indian tribe or tribal organization that the recipient no longer wants to participate in such programs or activities;

“(III) of the process, if any, by which a recipient who chooses to withdraw from, or fails to participate in, such programs or activities may be required to follow to become

engaged in other programs or activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B); and

“(IV) that the State may reassign a recipient at any time, in accordance with the requirements of section 408(b), to other activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B).

“(iii) **NO SANCTION FOR REFUSAL OR FAILURE TO PARTICIPATE.**—

“(I) **IN GENERAL.**—No State or Indian tribe or tribal organization shall deny or reduce assistance to a recipient of assistance under the State program funded under this part solely on the basis of the recipient's withdrawal from, or failure to, participate in programs or activities described in clauses (iii) through (vii) of subparagraph (B).

“(II) **RULE OF CONSTRUCTION.**—Nothing in this subparagraph shall be construed as precluding a State or Indian tribe or tribal organization from requiring a recipient of assistance under the State program funded under this part to engage in programs or activities that are not programs or activities described in clauses (iii) through (vii) of subparagraph (B) or to sanction a recipient for failure to engage in such programs or activities or to follow any such procedures the State may establish to enroll a recipient in such other programs or activities.

“(D) **GENERAL RULES GOVERNING USE OF FUNDS.**—The rules of section 404, other than subsection (b) of that section, shall not apply to a grant made under this paragraph.

“(E) **REQUIREMENTS FOR RECEIPT OF FUNDS.**—A State or Indian tribe or tribal organization may not be awarded a grant under this paragraph unless the State or Indian tribe or tribal organization, as a condition of receiving funds under such a grant—

“(i) consults with domestic violence organizations that have demonstrated expertise working with survivors of domestic violence in developing policies, procedures, programs and training necessary to appropriately address domestic violence in families served by programs and activities funded under such grant;

“(ii) describes in the application for a grant under this paragraph—

“(I) how the programs or activities proposed to be conducted will appropriately address issues of domestic violence; and

“(II) what the State or Indian tribe or tribal organization, will do, to the extent relevant, to ensure that participation in such programs or activities is voluntary, and to inform potential participants that their involvement is voluntary;

“(iii) establishes a written protocol for providers and administrators of programs and activities relevant to the grant that—

“(I) provides for helping identify instances or risks of domestic violence; and

“(II) specifies the procedures for making service referrals and providing protections and appropriate assistance for identified individuals and families;

“(iv) establishes performance goals for funded programs and activities that clarify the primary objective of such funded programs and activities is to increase the incidence and quality of healthy marriages and not solely to expand the number or percentage of married couples; and

“(v) submits the annual reports required under subparagraph (F).

“(F) **ANNUAL REPORTS TO THE SECRETARY.**—Each State and Indian tribe or tribal organization awarded a grant under this paragraph shall submit to the Secretary an annual report on the programs and activities funded under the grant that includes the following:

“(i) A description of the written protocols developed in accordance with the require-

ments of subparagraph (E)(iii) for each program or activity funded under the grant and how such protocols are used, including specific policies and procedures for addressing domestic violence issues within each program or activity funded under the grant and how confidentiality issues are addressed.

“(ii) The name of each individual, organization, or entity that was consulted in the development of such protocols.

“(iii) A description of each individual, organization, or entity (if any) that provided training on domestic violence for the State, Indian tribe or tribal organization, or for any subgrantees.

“(iv) A description of any implementation issues identified with respect to domestic violence and how such issues were addressed.

“(G) **BIANNUAL REPORTS TO CONGRESS.**—Not later than 24 months after the date of enactment of the Personal Responsibility and Individual Development for Everyone Act, and every 6 months thereafter, the Secretary shall submit to Congress a report regarding the programs and activities funded with grants awarded under this paragraph. Each report submitted in accordance with this subparagraph shall include the following:

“(i) The name of each program or activity funded with such grants and the name of each grantee and subgrantee.

“(ii) The total number of individuals served under programs or activities funded under the grant.

“(iii) The total number of individuals who—

“(I) completed a program or activity funded under the grant, including the number of such individuals who received assistance under the State program funded under this part or with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) while participating in such program or activity; and

“(II) did not complete such a program or activity, including due to ceasing to receive assistance under the State program funded under this part or with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) or for other reasons.

“(iv) A description of the types of services offered under such programs or activities.

“(v) The criteria for selection of programs or activities to be funded under such grant with respect to the award of grants by the Secretary and the awarding of funds to grantees.

“(vi) A description of the activities carried out by the Secretary to support grantees and subgrantees in responding to domestic violence issues.

“(vii) A summary of the written domestic violence protocols used by grantees and subgrantees.

“(viii) A summary of who the grantees and subgrantees consulted with in developing such protocols.

“(ix) A summary of the training provided to grantees and subgrantees on domestic violence.

“(x) A list of the organizations, entities, and activities funded under sections 103(c) and 114(e) of the Personal Responsibility and Individual Development for Everyone Act.

“(H) **DOMESTIC VIOLENCE DEFINED.**—In this paragraph, the term 'domestic violence' has the meaning given that term in section 402(a)(7)(B).

“(I) **APPROPRIATION.**—

“(i) **IN GENERAL.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2005 through 2010, \$100,000,000 for grants under this paragraph.

“(ii) **EXTENDED AVAILABILITY OF FUNDS.**—

“(I) **IN GENERAL.**—Funds appropriated under clause (i) for each of fiscal years 2006 through 2010 shall remain available to the Secretary until expended.

“(II) AUTHORITY FOR GRANT RECIPIENTS.—A State or Indian tribe or tribal organization may use funds made available under a grant awarded under this paragraph without fiscal year limitation pursuant to the terms of the grant.”

(c) BEST PRACTICES FOR ADDRESSING DOMESTIC VIOLENCE.—Section 413 of such Act (42 U.S.C. 613) is amended by adding at the end the following:

“(k) BEST PRACTICES FOR ADDRESSING DOMESTIC VIOLENCE.—

“(1) IN GENERAL.—The Secretary shall, by grant, contract, or interagency agreement, develop and implement programs that are designed to address domestic violence as a barrier to healthy relationships, marriage, and economic security. Programs developed and implemented under this subsection shall include—

“(A) training for caseworkers administering the State program funded under this part;

“(B) technical assistance;

“(C) the provision of voluntary services for victims of such violence; and

“(D) activities related to the prevention of domestic violence.

“(2) DOMESTIC VIOLENCE DEFINED.—In this subsection, the term ‘domestic violence’ has the meaning given that term in section 402(a)(7)(B).

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, \$10,000,000 for each of fiscal years 2006 through 2010. Amounts appropriated to carry out this subsection shall be in addition to and not in lieu of amounts otherwise appropriated to carry out programs to address domestic violence.”

(d) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Section 409(a)(7)(B)(i) of such Act (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

“(V) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Subject to sub-clauses (II) and (III), the term ‘qualified State expenditures’ includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).”

(e) PURPOSES.—Section 401(a)(4) of such Act (42 U.S.C. 601(a)(4)) is amended by striking “two-parent families” and inserting “healthy 2-parent married families, and encourage responsible fatherhood”.

**SA 2016.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. \_\_\_\_\_. (a) PROHIBITION ON TRANSFER OF AUTHORITY ON TACTICAL UNMANNED AERIAL VEHICLES.—None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) EXTENDED RANGE MULTI-PURPOSE UNMANNED AERIAL VEHICLES.—The Army shall

retain responsibility for and operational control of the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

**SA 2017.** Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_\_\_ between lines \_\_\_\_ and \_\_\_, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to \$1,000,000 may be used for Chemical Biological Defense Material Test and Evaluation Initiative.

**SA 2018.** Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_\_, between lines \_\_\_\_ and \_\_\_, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY”, up to \$3,000,000 may be used for development of solid oxide fuel cells for unmanned undersea vehicles.

**SA 2019.** Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_\_\_ between lines \_\_\_\_ and \_\_\_, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to \$2,000,000 may be used for the development of a Lightweight Tactical All Terrain Vehicle (LTATV).

**SA 2020.** Mr. BENNETT submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_\_, between lines \_\_\_\_ and \_\_\_, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to \$2,500,000 may be used for the Transportable Pathogen Reduction & Blood Safety System.

**SA 2021.** Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

**SECTION 8116. HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.**

(a) SHORT TITLE.—This section may be cited as the “Helping to House the Victims of Hurricane Katrina Act of 2005”.

(b) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following:

“(20) HURRICANE KATRINA EMERGENCY ASSISTANCE VOUCHERS.—

“(A) IN GENERAL.—During the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall provide temporary rental assistance to any individual or family, if—

“(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

“(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

“(B) REGULATIONS.—Not later than 30 days after the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005, the Secretary shall issue final rules to establish the procedures applicable to the issuance of assistance under subparagraph (A).

“(C) NOTICE.—The Secretary, in consultation with the Director of the Federal Emergency Management Agency and such other agencies as the Secretary determines appropriate, shall establish procedures for providing notice of the availability of assistance under this paragraph to individuals or families that may be eligible for such assistance.

“(D) AUTHORITY TO CONTRACT WITH PHA’S AND OTHERS.—The Secretary may contract with any State or local government agency or public housing agency, or in consultation with any State or local government agency, with any other entity, to ensure that assistance payments under this paragraph are provided in an efficient and expeditious manner.

“(E) WAIVER OF ELIGIBILITY REQUIREMENTS.—In providing assistance under this paragraph, the Secretary shall waive the requirements under—

“(i) paragraph (2), relating to tenant contributions towards rent, except that any such waiver shall expire on an individual’s return to work;

“(ii) paragraph (4), relating to the eligibility of individuals to receive assistance;

“(iii) subsection (k) and paragraph (5) of this subsection, relating to verification of income;

“(iv) paragraph (7)(A), relating to the requirement that leases shall be for a term of 1 year;

“(v) paragraph (8), relating to initial inspection of housing units by a public housing agency; and

“(vi) subsection (r)(1)(B), relating to restrictions on portability.

“(F) USE OF FUNDS.—Notwithstanding any other provision of law, funds available for assistance under this paragraph—

“(i) shall be made available by the Secretary to individuals to cover the cost of—

“(I) rent;

“(II) security and utility deposits;

“(III) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

“(IV) such additional expenses as the Secretary determines necessary; and

“(ii) shall be used by the Secretary—

“(I) for payments to public housing agencies, State or local government agencies, or other voucher administrators for vouchers used to assist individuals or families affected by the major disaster or emergency described in this paragraph up to their authorized level of vouchers, if any such vouchers are not otherwise funded; and

“(II) to provide operating subsidies to public housing agencies for public housing units provided to individuals or families affected by the major disaster or emergency described in this paragraph, if such a subsidy was not previously provided for those units.

“(G) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

“(H) NONDISCRIMINATION.—In selecting individuals or families for tenancy, a landlord or owner may not exclude or penalize an individual or family solely because any portion of the rental payment of that individual or family is provided under this paragraph.

“(I) TERMINATION OF ASSISTANCE.—Assistance provided under this paragraph shall—

“(i) terminate 6 months after the date on which such assistance was received; and

“(ii) extend for an additional 6 months unless at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

“(21) ASSISTANCE FOR CURRENT VOUCHER RECIPIENTS AFFECTED BY HURRICANE KATRINA.—

“(A) IN GENERAL.—The Secretary shall waive any of the requirements described in clauses (i) through (vi) of paragraph (20)(E) for any individual or family receiving assistance under this section on August 29, 2005, if—

“(i) the individual or family resides, or resided on August 29, 2005, in any area that is subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina; and

“(ii) the residence of the individual or family became uninhabitable or inaccessible as result of that major disaster or emergency.

“(B) ADDITIONAL USES OF FUNDS.—Notwithstanding any other provision of law, the Secretary shall provide, as the Secretary determines appropriate, supplemental assistance to an individual or family receiving assistance under this section on August 29, 2005, and meeting the requirements described in subparagraph (A), to assist the individual or family with the additional costs of relocating to new housing, including to cover—

“(i) the additional cost of rent and utilities;

“(ii) security and utility deposits;

“(iii) relocation expenses, including expenses incurred in relocating back to the major disaster area when such relocation is permitted; and

“(iv) such additional expenses as the Secretary determines necessary.

“(C) PAYMENT STANDARD.—For purposes of this paragraph, the payment standard for each size of dwelling unit in a market area may not exceed 150 percent, or higher if the Secretary approves of such increase, of the fair market rental established under subsection (c) for the same size dwelling unit in the same market area, and shall be not less than 90 percent of that fair market rental.

“(D) NONDISCRIMINATION.—A landlord or owner may not exclude or penalize an individual or family solely because that individual or family is eligible for any waivers or benefits provided under this paragraph.

“(E) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this paragraph shall—

“(i) apply during the 6-month period beginning on the date of enactment of the Helping to House the Victims of Hurricane Katrina Act of 2005; and

“(ii) extend for an additional 6 months after that period, unless if at that time the Secretary makes a determination that assistance under this paragraph is no longer needed.

“(22) AUTHORITY OF THE SECRETARY TO DIRECTLY ADMINISTER VOUCHERS WHEN PHA'S ARE UNABLE TO DO SO.—If the Secretary determines that a public housing agency is unable to implement the provisions of this subsection due to the effects of Hurricane Katrina, the Secretary may—

“(A) directly administer any voucher program described in paragraphs (1) through (20); and

“(B) perform the functions assigned to a public housing agency by this subsection.”

“(C) REPORT ON INVENTORY OF AVAILABILITY OF TEMPORARY HOUSING.—Not later than 10 days after the date of enactment of this Act, the Secretary of Defense, the Administrator of the General Services Administration, the Secretary of Agriculture, and such other agency heads as the Secretary determines appropriate, shall compile and report to the Secretary an inventory of Federal civilian and defense facilities that can be used—

“(1) to provide emergency housing; or

“(2) as locations for the construction or deployment of temporary housing units.

“(D) APPROPRIATION OF FUNDING.—

“(1) IN GENERAL.—There are authorized to be appropriated and are appropriated \$3,500,000,000 to provide assistance under this Act.

“(2) EMERGENCY DESIGNATION.—The amount appropriated under paragraph (1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

**SA 2022.** Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) HARDSHIP DUTY PAY FOR CERTAIN DUTY IN AREAS AFFECTED BY HURRICANE KATRINA OR HURRICANE RITA.—Duty of members of the Armed Forces and other individuals described in subsection (b) in an area affected by Hurricane Katrina or Hurricane Rita, during the period beginning on August 27, 2005, and ending on the date of the termination of a declaration by the President of a major disaster with respect to such area, shall be deemed to be hardship duty for which hardship duty pay under section 305 of title 37, United States Code, is payable.

(b) COVERED MEMBERS AND INDIVIDUALS.—The members of the Armed Forces and individuals described in this subsection are as follows:

(1) Members of the Armed Forces on active duty, including members of the reserve components of the Armed Forces on active duty.

(2) Members of the National Guard on full-time State active duty service that is treated as service in title 32, United States Code, status pursuant to the September 7, 2005, memorandum of the Acting Deputy Secretary of Defense regarding Hurricane Katrina Relief Efforts.

(c) AREA AFFECTED BY HURRICANE KATRINA OR HURRICANE RITA DEFINED.—In this sec-

tion, the term “area affected by Hurricane Katrina or Hurricane Rita” means an area that is under a designation by the President of a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) in connection with Hurricane Katrina or Hurricane Rita.

(d) FUNDING.—Amounts appropriated by title I for Military Personnel shall be available for the payment of hardship duty pay under this section for fiscal years 2005 and 2006.

**SA 2023.** Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. COMPTROLLER GENERAL REPORT ON AUTHORITIES APPLICABLE TO THE DEPARTMENT OF DEFENSE RESPONSE TO INCIDENTS OF NATIONAL SIGNIFICANCE.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the officials and committees of Congress referred to in paragraph (2) a report setting forth the authorities governing or otherwise applicable to the Department of Defense response to incidents of national significance.

(2) OFFICIALS AND COMMITTEES.—The officials and committees of Congress referred to in this paragraph are—

(A) the Speaker of the House of Representatives;

(B) the President pro tempore of the Senate;

(C) the Committees on Armed Services of the Senate and the House of Representatives; and

(D) the Secretary of Defense.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the authorities in Federal law governing or otherwise applicable to the Department of Defense response to incidents of national significance, including any authorities in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) A description of the authorities, responsibilities, and missions afforded the Department of Defense in responding to incidents of national significance under current Administration directives and guidelines, including Homeland Security Presidential Directive 8, the National Response Plan, Department of Defense Directive 3025.1, and Department of Defense Joint Publications 3-07 and 3-26.

(3) A description of the authorities, responsibilities, and missions afforded the Department of Defense under Federal law (including the provisions of title 32, United States Code) and current Administration directives and guidelines for coordinating the mobilization and deployment of National Guard units in responding to incidents of national significance, including the mobilization and deployment of National Guard units in State status.

(4) A description and assessment of Department of Defense operations in response to previous domestic major national disasters, including the following:

(A) The earthquake in San Francisco, California, in 1994.

(B) The flood in the Midwest in 1993.

(C) Hurricane Andrew in 1992.

(D) Hurricane Betsy in 1965.

(E) The flood of the Mississippi River in 1927.

(F) The Great San Francisco Earthquake in 1906.

(5) The assessment of the Comptroller General as to whether or not the authorities governing or otherwise applicable to the Department of Defense response to incidents of national significance, and the current Administration directives and guidelines on the authority, responsibilities, and mission afforded the Department in responding to such incidents, are adequate to permit the Department to respond effectively to incidents of national significance.

(6) The assessment of the Comptroller General as to whether or not the Department of Defense fully exercised its authorities, and fully discharged its responsibilities and missions, during the Department response to Hurricane Katrina.

(c) PROHIBITION ON MODIFICATION OF AUTHORITY, RESPONSIBILITIES, OR MISSIONS.—No authority, responsibility, or mission of or applicable to the Department of Defense response to incidents of national significance may be modified during period beginning on the date of the enactment of this Act and ending on the date of the submittal to the officials and committees of Congress referred to in paragraph (2) of subsection (a) of the report required by paragraph (1) of that subsection.

(d) INCIDENT OF NATIONAL SIGNIFICANCE DEFINED.—In this section, the term “incident of national significance”—

(1) means an incident of national significance as defined in the White House National Response Plan, issued December 2004, and Homeland Security Presidential Directive 8; and

(2) includes disasters declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) and emergencies declared in accordance with section 501 of that Act (42 U.S.C. 5191).

**SA 2024.** Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to \$3,500,000 may be available for Maryland Emergency Medical Services for using shock trauma as a resuscitation research testbed.

**SA 2025.** Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE — TEMPORARY MEDICAID DISASTER RELIEF**

**SEC. — 01. SHORT TITLE OF TITLE; PURPOSE.**

(a) SHORT TITLE OF TITLE.—This title may be cited as the “Temporary Medicaid Disaster Relief Act of 2005”.

(b) PURPOSE.—The purpose of this title is to ensure all those affected by Hurricane

Katrina have access to health coverage and medical care through the medicaid program and to authorize temporary changes in such program to guarantee and expedite that coverage and access to care.

**SEC. — 02. DISASTER RELIEF PERIOD.**

(a) IN GENERAL.—For purposes of this title, the term “disaster relief period” means the period beginning on August 29, 2005, and, subject to subsection (b), ending on February 28, 2006.

(b) PRESIDENTIAL AUTHORITY TO EXTEND DISASTER RELIEF PERIOD.—

(1) IN GENERAL.—The President shall extend the application of section 03 and paragraphs (1) and (2) of section 04(a) until September 30, 2006, unless the President determines that all Katrina Survivors would have sufficient access to health care without such an extension. In the case of such an extension, the reference to “February 28, 2006” in subsection (a) shall be considered to be a reference to “September 30, 2006”.

(2) NOTICE TO CONGRESS.—The President shall notify the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the Committee on Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives at least 30 days prior to—

(A) extending the application of such sections; or

(B) if the President determines not to extend the application of such sections, February 28, 2006.

**SEC. — 03. TEMPORARY MEDICAID COVERAGE FOR KATRINA SURVIVORS.**

(a) DEFINITIONS.—In this title:

(1) KATRINA SURVIVOR.—

(A) IN GENERAL.—The term “Katrina Survivor” means an individual who is described in subparagraph (B) or (C).

(B) RESIDENTS OF DISASTER LOCALITIES.—

(i) IN GENERAL.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in—

(I) a parish in the State of Louisiana that is among the parishes that the Federal Emergency Management Agency of the Emergency Preparedness and Response Directorate of the Department of Homeland Security declared on September 4, 2005, to be Federal Disaster Parishes; or

(II) a county in the State of Alabama or Mississippi that is among the counties such Agency declared Federal Disaster Counties on September 4, 2005.

(ii) AUTHORITY TO RELY ON WEBSITE POSTED DESIGNATIONS.—The Secretary of Health and Human Services shall post on the Internet website for the Centers for Medicare & Medicaid Services a list of parishes and counties identified as Federal Disaster Parishes or Counties. Any State which provides medical assistance to Katrina Survivors on the basis of such posting and in accordance with this title shall be held harmless if it is subsequently determined that the provision of such assistance was in error.

(C) INDIVIDUALS WHO LOST EMPLOYMENT.—An individual who, on any day during the week preceding the declaration of a public health emergency on August 29, 2005, had a residence in a direct impact State and lost their employment since Hurricane Katrina.

(D) CONSTRUCTION.—A Katrina Survivor shall be treated as being “from” the State of residence described in subparagraph (B)(i) or (C), as the case may be.

(E) TREATMENT OF CURRENT MEDICAID BENEFICIARIES.—Nothing in this title shall be construed as preventing an individual who is

otherwise entitled to medical assistance under title XIX of the Social Security Act from being treated as a Katrina Survivor under this title.

(F) TREATMENT OF HOMELESS PERSONS.—For purposes of this title, in the case of an individual who was homeless on any day during the week described in subparagraph (B)(i), the individual’s “residence” shall be deemed to be the place of residence as otherwise determined for such an individual under title XIX of the Social Security Act.

(2) DIRECT IMPACT STATE.—The term “direct impact State” means the State of Louisiana, Alabama, and Mississippi.

(b) RULES FOR PROVIDING TEMPORARY MEDICAL ASSISTANCE TO KATRINA SURVIVORS.—During the disaster relief period, any State may provide medical assistance to Katrina Survivors under a State medicaid plan established under title XIX of the Social Security Act in accordance with the following:

**(1) UNIFORM ELIGIBILITY RULES.—**

(A) NO INCOME, RESOURCES, RESIDENCY, OR CATEGORICAL ELIGIBILITY REQUIREMENTS.—Such assistance shall be provided without application of any income or resources test, State residency, or categorical eligibility requirements.

(B) STREAMLINED ELIGIBILITY PROCEDURES.—The State shall use the following streamlined procedures in processing applications and determining eligibility for medical assistance for Katrina Survivors:

(i) A common 1-page application form developed by the Secretary of Health and Human Services in consultation with the National Association of State Medicaid Directors. Such form shall include notice regarding the penalties for making a fraudulent application under paragraph (4) and shall require the applicant to assign to the State any rights of the applicant (or any other person who is a Katrina Survivor and on whose behalf the applicant has the legal authority to execute an assignment of such rights) under any group health plan or other third-party coverage for health care.

(ii) Self-attestation by the applicant that the applicant is a Katrina Survivor.

(iii) No requirement for documentation evidencing the basis on which the applicant qualifies to be a Katrina Survivor.

(iv) Issuance of a Medicaid eligibility card to an applicant who completes such application, including the self-attestation required under clause (ii). Such card shall be valid during the disaster relief period.

(v) If an applicant completes the application and presents it to a provider or facility participating in the State medicaid plan that is qualified to make presumptive eligibility determinations under such plan (which at a minimum shall consist of facilities identified in section 1902(a)(55) of the Social Security Act (42 U.S.C. 1396a(a)(55)) and it appears to the provider that the applicant is a Katrina Survivor based on the information in the application, the applicant will be deemed to be a Katrina Survivor eligible for medical assistance in accordance with this section, subject to paragraph (3).

(vi) Continuous eligibility, without the need for any redetermination of eligibility, for the duration of the disaster relief period.

(C) DETERMINATION OF ELIGIBILITY FOR COVERAGE AFTER THE TERMINATION OF THE DISASTER RELIEF PERIOD.—In the case of a Katrina Survivor who is receiving medical assistance from a State, prior to the termination of the disaster relief period, the State providing such assistance shall determine whether the Katrina Survivor is eligible for continued medical assistance under the State’s eligibility rules otherwise applicable under the State medicaid plan. If a State determines that the individual is so eligible, the State shall provide the individual with

written notice of the determination and provide the individual with continued coverage for such medical assistance for so long as the individual remains eligible under such otherwise applicable eligibility rules. If a State determines that the individual is not so eligible, the State shall provide the individual with written notice of the determination, including the reasons for such determination.

(2) SCOPE OF COVERAGE SAME AS CATEGORICALLY NEEDY.—The State shall treat Katrina Survivors as individuals eligible for medical assistance under the State plan under title XIX of the Social Security Act on the basis of section 1902(a)(10)(A)(i) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(i)), with coverage for such assistance retroactive to August 29, 2005.

(3) VERIFICATION OF STATUS AS A KATRINA SURVIVOR.—

(A) IN GENERAL.—The State shall make a good faith effort to verify the status of a Katrina Survivor enrolled in the State Medicaid plan under the provisions of this section after the determination of the eligibility of the Survivor for medical assistance under such plan.

(B) EVIDENCE OF VERIFICATION.—A State may satisfy the verification requirement under subparagraph (A) with respect to a Katrina Survivor by showing that the State providing medical assistance obtained information from the Social Security Administration, the Internal Revenue Service, or the State Medicaid Agency for the direct impact State.

(C) DISALLOWANCE OF PAYMENTS FOR FAILURE TO MAKE GOOD FAITH EFFORT.—If, with respect to the status of a Katrina Survivor enrolled in a State Medicaid plan, the State fails to make the good faith effort required under subparagraph (A), and the Secretary determines that the individual so enrolled is not a Katrina Survivor, the Secretary shall disallow all Federal payments made to the State that are directly attributable to medical assistance provided or administrative costs incurred with respect to the individual during the disaster relief period.

(4) PENALTY FOR FRAUDULENT APPLICATIONS.—

(A) INDIVIDUAL LIABLE FOR COSTS.—If a State, as the result of verification activities conducted under paragraph (3), determines after a fair hearing that an individual has knowingly made a false self-attestation described in paragraph (1)(B)(ii), the State may, subject to subparagraph (B), seek recovery from the individual for the full amount of the cost of medical assistance provided to the individual under this section.

(B) EXCEPTION.—The Secretary shall exempt a State from seeking recovery under subparagraph (A) if the Secretary determines that it would not be cost-effective for the State to do so.

(C) REIMBURSEMENT TO THE FEDERAL GOVERNMENT.—Any amounts recovered by a State in accordance with this paragraph shall be returned to the Federal government, except that a State's administrative costs attributable to obtaining such recovery shall be reimbursed by the Federal government in accordance with section 04(a)(2).

(5) EXEMPTION FROM ERROR RATE PENALTIES.—All payments attributable to providing medical assistance to Katrina Survivors in accordance with this section shall be disregarded for purposes of section 1903(u) of the Social Security Act.

SEC. 04. TEMPORARY DISASTER RELIEF FOR STATES UNDER MEDICAID.

(a) INCREASE IN FEDERAL MATCHING RATE.—

(1) 100 PERCENT FMAP FOR MEDICAL ASSISTANCE.—Notwithstanding section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), the Federal medical assistance percentage for providing medical assistance under a

State medicaid plan under title XIX of such Act to Katrina Survivors or, in the case of a direct impact State, to any individual who is provided medical assistance under the State medicaid plan during the disaster relief period, shall be 100 percent.

(2) 100 PERCENT FEDERAL MATCH FOR CERTAIN ADMINISTRATIVE COSTS.—Notwithstanding paragraph (7) of section 1903(a) of such Act (42 U.S.C. 1396b(a)), or any other paragraph of such section, the Federal matching rate for costs directly attributable to all administrative activities that relate to the enrollment of Katrina Survivors under section 03 in a State medicaid plan, verification of the status of such Survivors, processing of claims for payment for medical assistance provided to such Survivors under such section, and recovery costs under section 03(b)(4)(C), shall be 100 percent. The Secretary shall issue guidance not later 30 days after the date of enactment of this Act on the implementation of this paragraph.

(b) LIMITATION ON REDUCTION OF FMAP FOR FISCAL YEAR 2006 FOR ANY STATE.—If the Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act) determined for a State for fiscal year 2006 is less than the Federal medical assistance percentage determined for the State for fiscal year 2005, the Federal medical assistance percentage for the State for fiscal year 2005 shall apply to the State for fiscal year 2006 only for purposes of title XIX of the Social Security Act.

(c) TEMPORARY SUSPENSION OF MEDICARE “CLAWBACK” AND POSTPONEMENT OF CUT-OFF OF MEDICAID PRESCRIPTION DRUG FUNDING IN AFFECTED STATES.—

(1) SUSPENSION IN APPLICATION OF “CLAWBACK”.—Section 1935(c) of the Social Security Act (42 U.S.C. 1396u-5(c)) shall not apply, subject to paragraph (3), before January 2007 to a direct impact State or to a State that experiences a significant influx of Katrina Survivors.

(2) CONTINUATION OF MEDICAID DRUG COVERAGE FOR DUAL ELIGIBLES.—Section 1935(d)(1) of such Act shall also not apply, subject to paragraph (3), before January 2007 to a part D eligible individual who is a Katrina Survivor.

(3) TERMINATION OF APPLICATION OF SUB-SECTION.—Paragraphs (1) and (2) shall no longer apply to a State or a Katrina Survivor, respectively, if the Secretary determines, after consultation with the State, that enrollment of all part D eligible individuals in the State under part D of title XVIII of the Social Security Act who are described in section 1935(c)(6)(A)(ii) of such Act can be achieved without a discontinuation in prescription drug coverage for any such individual.

(4) DEFINITION.—For purposes of this subsection, the term “State that experiences a significant influx of Katrina Survivors” means those States, including Arkansas, Florida, Oklahoma, and Texas, that the Secretary of Health and Human Services identifies as having a significant in-migration of Katrina Survivors.

SEC. 05. ACCOMMODATION OF SPECIAL NEEDS OF KATRINA SURVIVORS UNDER MEDICARE PROGRAM.

(a) EXCLUSION OF DISASTER RELIEF PERIOD IN COMPUTING PART B LATE ENROLLMENT PENALTY.—In applying the first sentence of section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) in the case of a Katrina Survivor, there shall not be taken into account any month any part of which is within the disaster relief period or within the 2-month period following the end of such disaster relief period.

(b) PART D.—

(1) EXTENSION OF INITIAL ENROLLMENT PERIOD.—In the case of a Katrina Survivor, the

initial enrollment period under section 1860D-1(b)(2) of the Social Security Act (42 U.S.C. 1395w-101(b)(2)) shall in no case end before May 15, 2007.

(2) FLEXIBILITY IN DOCUMENTATION FOR LOW-INCOME SUBSIDIES.—For purposes of carrying out section 1860D-14 of the Social Security Act (42 U.S.C. 1395w-114), with respect to Katrina Survivors, the Secretary of Health and Human Services shall establish documentation rules for Katrina Survivors which take into account the loss and unavailability of documents due to Hurricane Katrina.

**SA 2026.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, add the following:

SEC. 8116. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, \$1,000,000 may be made available for combating terrorism, technology development, for the development of scanning from a distance with backscatter imaging.

**SA 2027.** Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, add the following:

SEC. 8116. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, \$1,000,000 may be made available for Marine Corps assault vehicles for development of carbon fabric-based friction materials to optimize the cross-drive transmission brake system of the Expeditionary Fighting Vehicle.

**SA 2028.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to \$2,000,000 may be used for Moldable Armor.

**SA 2029.** Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of ground source heat pumps at Department of Defense facilities.

(b) The report required under subsection (a) shall include—

(1) a description of the types of Department of Defense facilities that use ground source heat pumps;

(2) an assessment of the applicability and cost-effectiveness of the use of ground source heat pumps at Department of Defense facilities in different geographic regions of the United States;

(3) a description of the relative applicability of ground source heat pumps for purposes of new construction at, and retrofitting of, Department of Defense facilities; and

(4) recommendations for facilitating and encouraging the increased use of ground source heat pumps at Department of Defense facilities.

**SA 2030.** Mr. TALENT (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Beginning with the fiscal year 2006 program year, the Secretary of the Air Force shall exercise the option on the existing multiyear procurement contract for C-17 aircraft in order to enter into a multiyear contract for the procurement of 42 additional C-17 aircraft.

**SA 2031.** Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. The report on stability and security in Iraq to be submitted under the Joint Explanatory Statement of the Committee on Conference to accompany the conference report on the bill H.R. 1268 of the 109th Congress shall include, in addition to the matters otherwise provided in that Joint Explanatory Statement the following:

(1) A statement of the number and types of Iraq security forces that, assuming progress is made in political and other areas, must be capable of operating without, or with minimal support from, the Armed Forces of the United States and coalition forces before the United States can commence a reduction of the number of members of the Armed Forces in Iraq.

(2) A projected schedule for the achievement of numbers and types of Iraq security forces meeting the goal specified in paragraph (1).

**SA 2032.** Mr. KERRY (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 1955 proposed by Mr. WARNER (for himself and Mr. LEVIN) to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. REPORT ON EDUCATIONAL BENEFITS FOR VETERANS.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall submit a report containing the information described in subsection (b) to—

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

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

(3) the Committee on Veterans' Affairs of the Senate; and

(4) the Committee on Veterans' Affairs of the House of Representatives.

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

(1) an analysis by the Department of Defense of the effect on recruitment of educational benefits under the Montgomery GI Bill, including—

(A) the percentage of personnel who sign up for such educational benefits; and

(B) the importance of such educational benefits in the decision of an individual to enlist;

(2) an analysis by the Department of Veterans Affairs of the effect on readjustment to civilian life of educational benefits under the Montgomery GI Bill, including—

(A) the percentage who use partial benefits;

(B) the percentage who use full benefits; and

(C) the reasons that veterans choose not to use benefits;

(3) proposals for improving educational benefits in order to improve recruiting, retention, and readjustment to civilian life;

(4) cost estimates for the proposals under paragraph (3);

(5) projected costs of educational benefits under chapters 1606 and 1607 of title 10, United States Code, and section 3015 of title 38, United States Code, during each of the 5-year and 10-year periods beginning with fiscal year 2006; and

(6) projected costs under chapters 1606 and 1607 of title 10, United States Code, and section 3015 of title 38, United States Code, during each of the 5-year and 10-year periods beginning with fiscal year 2006, if the baseline 3-year active duty rate is increased to cover the average price of—

(A) a public 4-year secondary education (commuter tuition and fees, room and board, books and supplies, transportation and other expenses);

(B) a public 4-year secondary education (non-commuter tuition and fees, room and board, books and supplies, transportation and other expenses);

(C) a public 4-year secondary education (commuter tuition and fees, room and board); and

(D) a public 4-year secondary education (non-commuter tuition and fees, room and board).

(c) CALCULATION.—In calculating costs under paragraphs (5) and (6) of subsection (b)—

(1) future costs shall be adjusted for inflation using the “college tuition and fees” component of the Consumer Price Index; and

(2) the ratio between the cost of benefits under chapters 1606 and 1607 of title 10, United States Code, and the cost of benefits under section 3015 of title 38, United States Code, shall be the same as the ratio between such costs as of the date of enactment of this Act.

**SA 2033.** Mr. KERRY (for himself, Mr. KENNEDY, Mr. REED, Mr. DORGAN, Mr. JEFFORDS, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. CORZINE, Mr. KOHL, Mr.

BAYH, Mr. DURBIN, Ms. CANTWELL, Mrs. CLINTON, Mr. BAUCUS, Mr. REID, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

**ADMINISTRATION FOR CHILDREN AND FAMILIES**  
**LOW INCOME HOME ENERGY ASSISTANCE**

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 et seq.), \$3,100,000,000, for the unanticipated home energy assistance needs of 1 or more States, as authorized by section 2604(e) of the Act (42 U.S.C. 8623(e)), which amount shall be made available for obligation in fiscal year 2006 and which amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. \_\_\_\_\_. Congress finds the following:

(1) An imminent emergency is confronting millions of low-income individuals in the United States who are unable to afford the cost of rising energy prices.

(2) Prior to the devastation caused by Hurricanes Katrina and Rita in the Gulf Coast region of the United States, individuals in the United States were facing record prices for oil, natural gas, and propane. Hurricane Katrina damaged platforms and ports and curtailed production at refineries in the Gulf of Mexico, the source of almost 1/2 of United States oil output, further raising energy prices.

(3) The Short Term Energy Outlook report of the Energy Information Administration of the Department of Energy states that the ranges for expected heating fuel expenditure increases for the winter heating season of 2005–2006 are—

(A) 69 percent to 77 percent for natural gas in the Midwest;

(B) 17 percent to 18 percent for electricity in the South;

(C) 29 percent to 33 percent for heating oil in the Northeast; and

(D) 39 percent to 43 percent for propane in the Midwest.

(4) According to the National Energy Assistance Directors Association, heating costs for the average family using heating oil are projected to hit \$1,666 for the 2005–2006 winter heating season. Those costs would represent an increase of \$403 over those costs for the 2004–2005 winter heating season, and an increase of \$714 over those costs for the 2003–2004 winter heating season. For families using natural gas, prices are projected to hit \$1,568 for the 2005–2006 winter heating season, representing an increase of \$611 over those costs for the 2004–2005 winter heating season, and an increase of \$643 over those costs for the 2003–2004 winter heating season. States need additional funding immediately to help low-income families and seniors to ensure that they can afford to heat their homes.

(5) The Mortgage Bankers Association expects that steep energy costs could increase the number of missed mortgage payments and lost homes beginning later this year.

**SA 2034.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry.

**SA 2035.** Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Notwithstanding any other provision this Act, none of the funds appropriated or otherwise made available under this Act may be used to fund a store located on a military installation, commissary store, exchange store, or other store under chapter 147 of title 10, United States Code, that sells any stimulant-containing dietary supplement for which it has been made known to the Department administering these funds that the manufacturer does not have a policy of submitting all reports of serious adverse events associated with such supplement to the Special Nutritional Adverse Event Monitoring System of the Center for Food Safety and Applied Nutrition of the Food and Drug Administration.

**SA 2036.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Amounts appropriated by titles III and IX under the heading "PROCUREMENT OF WEAPONS AND TRACKED VEHICLES COMBAT VEHICLES, ARMY" and available for the Arsenal Support Program Initiative shall be allocated under that Initiative on the basis of applications submitted by facilities that have previously received funds under the Initiative.

**SA 2037.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. Of the amounts appropriated by titles III and IX under the heading "PROCUREMENT OF WEAPONS AND TRACKED VEHICLES COMBAT VEHICLES, ARMY" and available for the Arsenal Support Program Initiative—

(1) an amount equal to one half of such amounts shall be allocated to Watervliet Arsenal, New York; and

(2) an amount equal to one half of such amounts shall be allocated to Rock Island Arsenal, Illinois.

**SA 2038.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes;

which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. (a) INCREASE IN AMOUNTS FOR PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY.—The amounts appropriated by titles III and IX under the heading "PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY" are hereby increased by \$6,000,000.

(b) AVAILABILITY OF AMOUNTS.—Of the amounts appropriated by titles III and IX under the heading "PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY", as increased by subsection (a), up to \$6,000,000 may be used for the Arsenal Support Program Initiative and allocated so that \$6,000,000 shall be available to Watervliet Arsenal, New York.

**SA 2039.** Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 115, line, 21, after the word "Freedom", insert the following: " , along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations"

**SA 2040.** Mrs. CLINTON (for herself, Mr. SALAZAR, Mr. CORZINE, Mrs. FEINSTEIN, Mr. DURBIN, Mr. LAUNTERBERG, Mr. LEAHY, Mr. CARPER, Mr. JEFFORDS, Mr. REED, Mr. HARKIN, Ms. STABENOW, Mr. OBAMA, and Mr. FEINGOLD) submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### TITLE \_\_\_\_ KATRINA COMMISSION

##### SEC. \_\_\_\_ 01. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the Katrina Commission (in this title referred to as the "Commission").

##### SEC. \_\_\_\_ 02. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

##### (b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens who represent a diverse range of citizens and enjoy national recognition and significant depth of experience in such professions as governmental service, emergency preparedness, mitigation planning, cataclysmic planning and response, intergovernmental management, resource planning, recovery operations and planning, Federal coordination, military coordination, and other extensive natural disaster and emergency response experience.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before October 1, 2005.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

##### SEC. \_\_\_\_ 03. DUTIES.

The duties of the Commission are to—

(1) examine and report upon the Federal, State, and local response to the devastation wrought by Hurricane Katrina in the Gulf Region of the United States of America especially in the States of Louisiana, Mississippi, Alabama, and other areas impacted in the aftermath;

(2) ascertain, evaluate, and report on the information developed by all relevant governmental agencies regarding the facts and circumstances related to Hurricane Katrina prior to striking the United States and in the days and weeks following;

(3) build upon concurrent and prior investigations of other entities, and avoid unnecessary duplication concerning information related to existing vulnerabilities;

(4) make a full and complete accounting of the circumstances surrounding the approach of Hurricane Katrina to the Gulf States, and the extent of the United States government's preparedness for, and response to, the hurricane;

(5) planning necessary for future cataclysmic events requiring a significant marshaling of Federal resources, mitigation, response, and recovery to avoid significant loss of life;

(6) an analysis as to whether any decisions differed with respect to response and recovery for different communities, neighborhoods, parishes, and locations and what problems occurred as a result of a lack of a common plan, communication structure, and centralized command structure; and

(7) investigate and report to the President and Congress on its findings, conclusions, and recommendations for immediate corrective measures that can be taken to prevent problems with Federal response that occurred in the preparation for, and in the aftermath of, Hurricane Katrina so that future cataclysmic events are responded to adequately.

##### SEC. \_\_\_\_ 04. FUNCTIONS OF COMMISSION.

(a) IN GENERAL.—The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates relevant facts and circumstances relating to the catastrophic impacts that Hurricane Katrina exacted upon the Gulf Region of the United States especially in New Orleans and surrounding parishes, and impacted areas of Mississippi and Alabama; and

(B) shall include relevant facts and circumstances relating to—

(i) Federal emergency response planning and execution at the Federal Emergency Management Agency, the Department of Homeland Security, the White House, and all other Federal entities with responsibility for assisting during, and responding to, natural disasters;

(ii) military and law enforcement response planning and execution;

(iii) Federal mitigation plans, programs, and policies including prior assessments of existing vulnerabilities and exercises designed to test those vulnerabilities;

(iv) Federal, State, and local communication interoperability successes and failures;

(v) past, present, and future Federal budgetary provisions for preparedness, mitigation, response, and recovery;

(vi) the Federal Emergency Management Agency's response capabilities as an independent agency and as part of the Department of Homeland Security;

(vii) the role of congressional oversight and resource allocation;

(viii) other areas of the public and private sectors determined relevant by the Commission for its inquiry; and

(ix) long-term needs for people impacted by Hurricane Katrina and other forms of Federal assistance necessary for large-scale recovery;

(2) identify, review, and evaluate the lessons learned from Hurricane Katrina including coordination, management policies, and procedures of the Federal Government, State and local governments, and nongovernmental entities, relative to detection, planning, mitigation, asset prepositioning, and responding to cataclysmic natural disasters such as Hurricane Katrina; and

(3) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

#### SEC. 05. POWERS OF COMMISSION.

##### (a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this Act—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

##### (2) SUBPOENAS.—

###### (A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of

the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

##### (B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

##### (c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

##### (d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

#### SEC. 06. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

(a) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

- (1) hold public hearings and meetings to the extent appropriate; and
- (2) release public versions of the reports required under section 10.

(c) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

#### SEC. 07. STAFF OF COMMISSION.

##### (a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with the vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

##### (2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

#### SEC. 08. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

#### SEC. 09. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this

title without the appropriate security clearances.

**SEC. 10. REPORTS OF COMMISSION; TERMINATION.**

(a) **INTERIM REPORTS.**—The Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) **FINAL REPORT.**—Not later than 6 months after the date of the enactment of this title, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(c) **TERMINATION.**—

(1) **IN GENERAL.**—The Commission, and all the authorities of this Act, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) **ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.**—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

**SEC. 11. FUNDING.**

(a) **EMERGENCY APPROPRIATION OF FUNDS.**—There are authorized to be appropriated \$3,000,000 for purposes of the activities of the Commission under this title and such funding is designated as emergency spending under section 402 of H. Con. Res. 95 (109th Congress).

(b) **DURATION OF AVAILABILITY.**—Amounts made available to the Commission under subsection (a) shall remain available until the termination of the Commission.

**SA 2041.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

**Subtitle D—Post Traumatic Stress Disorder and Other Mental Health Conditions**

**SEC. 741. MENTAL HEALTH SCREENINGS FOR POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.**

(a) **SCREENINGS OF MEMBERS OF ARMED FORCES.**—

(1) **IN GENERAL.**—Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall perform mental health screenings of each member of the Armed Forces who is deployed in a combat operation or to a combat zone.

(2) **NATURE OF SCREENINGS.**—The first mental health screening of a member under this subsection shall be designed to determine the mental state of such member before deployment. Each other mental health screening of a member under this subsection shall be designated to detect symptoms or other evidence in such member of Post Traumatic Stress Disorder (PTSD), other mental health conditions, alcohol and drug abuse, and traumatic brain injury. The Secretary shall establish uniform guidelines on the scope and character of such screenings.

(3) **TIME OF SCREENINGS.**—A member shall receive a mental health screening under this subsection at times as follows:

(A) Prior to deployment in a combat operation or to a combat zone.

(B) Not later than 30 days after the date of the member's return from such deployment.

(C) Not later than 90 days after the date of the member's return from such deployment.

(D) Not later than 180 days after the date of the member's return from such deployment.

(E) Not later than one year after the date of the member's return from such deployment, and every year thereafter until such time as the Secretary concerned determines appropriate.

(b) **OTHER SCREENINGS.**—Nothing in this section shall be construed to prohibit the Secretary concerned from performing other mental health screenings or assessments of a member of the Armed Forces if circumstances so warrant.

**SEC. 742. LEADERSHIP TRAINING ON POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.**

(a) **TRAINING REQUIRED.**—Each Secretary concerned shall provide training to members of the Armed Forces who serve as commanders of military units at the company level and above on the causes, symptoms, and effects of Post Traumatic Stress Disorder (PTSD), other mental health conditions, alcohol and drug abuse, and traumatic brain injury.

(b) **ELEMENTS.**—The training provided under subsection (a) shall include the following:

(1) Information on the availability of mental health screenings under section 741 for members of the Armed Forces.

(2) Information on various means of encouraging members of the Armed Forces who may be experiencing Post Traumatic Stress Disorder, other mental health conditions, alcohol or drug abuse, or traumatic brain injury to seek evaluation and treatment.

(3) Such other information on Post Traumatic Stress Disorder, other mental health conditions, alcohol and drug abuse, and traumatic brain injury, and the identification, evaluation, and treatment of such conditions, as the Secretary concerned considers appropriate.

**SEC. 743. TRAINING AND EDUCATION OF MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ON POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.**

(a) **TRAINING FOR MEMBERS OF ARMED FORCES.**—Each Secretary concerned shall provide training to members of the Armed Forces on the causes, symptoms, and effects of Post Traumatic Stress Disorder (PTSD), other mental health conditions, alcohol and drug abuse, and traumatic brain injury.

(b) **EDUCATION FOR DEPENDENTS.**—Each Secretary concerned shall take appropriate actions to make available to the dependents of members of the Armed Forces information on the causes, symptoms, and effects of Post Traumatic Stress Disorder, other mental health conditions, alcohol and drug abuse, and traumatic brain injury in members of the Armed Forces.

**SEC. 744. TREATMENT PROGRAMS FOR POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.**

(a) **PROGRAMS REQUIRED.**—The Secretary of Defense shall implement programs, and enhance existing programs, in order to improve the treatment provided by the Department of Defense to members of the Armed Forces for Post Traumatic Stress Disorder (PTSD), other mental health conditions, alcohol and drug abuse, and traumatic brain injury associated with service in combat. Such programs shall facilitate the participation of

dependents of members of the Armed Forces in the treatment of such members for such conditions.

(b) **REPORT ON PROGRAMS.**—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the actions taken by the Secretary under subsection (a). The report shall include—

(1) a statement of the number of members of the Armed Forces currently experiencing symptoms of traumatic brain injury associated with service in combat;

(2) a description of the programs implemented or enhanced under that subsection, including a description of how such programs will improve the treatment of members of the Armed Forces for Post Traumatic Stress Disorder, other mental health conditions, alcohol or drug abuse, or traumatic brain injury; and

(3) information on the participation of members of the Armed Forces and their dependents in such programs.

**SEC. 745. COLLABORATION WITH DEPARTMENT OF VETERANS AFFAIRS.**

The Secretary of Defense shall work with the National Center on Post-Traumatic Stress Disorder of the Department of Veterans Affairs in carrying out activities under this subtitle.

**SEC. 746. DEFINITIONS.**

In this subtitle:

(1) **DEPENDENT.**—The term “dependent”, with respect to a member of the Armed Forces, has the meaning given such term in section 102(2) of title 10, United States Code.

(2) **SECRETARY CONCERNED.**—The term “Secretary concerned” has the meaning given such term in section 101(a) of title 10, United States Code.

**SA 2042.** Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

“SEC.— The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observance and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.”

**SA 2043.** Mr. LOTT submitted an amendment intended to be proposed to amendment SA 1955 proposed by Mr. WARNER (for himself and Mr. LEVIN) to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXVIII of division B, add the following:

**SEC. 1411. SENSE OF CONGRESS ON REQUIREMENT FOR REVERSIONARY INTEREST HOLDERS TO COMPENSATE UNITED STATES FOR IMPROVEMENTS MADE TO MILITARY INSTALLATIONS CLOSED OR REALIGNED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.**

It is the sense of Congress that—

(1) the closure or realignment of a military installation under the 2005 round of defense base closure and realignment does not constitute a closure determination by the Secretary of the Navy for the purpose of requiring a reversionary interest holder to provide compensation for any improvements to the military installation; and

(2) as a matter of public policy, the United States should release or otherwise relinquish any entitlement to receive, pursuant to any agreement providing for such payment, compensation from any holder of a reversionary interest in real property used by the United States for improvements made to any military installation that is closed or realigned as part of the 2005 round of defense base closure and realignment.

**SA 2044.** Mr. WARNER submitted an amendment intended to be proposed to amendment SA 1955 proposed by Mr. WARNER (for himself and Mr. LEVIN) to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. SENSE OF THE SENATE REGARDING MANNED SPACE FLIGHT.**

(a) **FINDINGS.**—The Congress finds that—

(1) human spaceflight preeminence allows the United States to project leadership around the world and forms an important component of United States national security;

(2) continued development of human spaceflight in low-Earth orbit, on the Moon, and beyond adds to the overall national strategic posture;

(3) human spaceflight enables continued stewardship of the region between the earth and the Moon—an area that is critical and of growing national and international security relevance;

(4) human spaceflight provides unprecedented opportunities for the United States to lead peaceful and productive international relationships with the world community in support of United States security and geopolitical objectives;

(5) a growing number of nations are pursuing human spaceflight and space-related capabilities, including China and India;

(6) past investments in human spaceflight capabilities represent a national resource that can be built upon and leveraged for a broad range of purposes, including national and economic security; and

(7) the industrial base and capabilities represented by the Space Transportation System provide a critical dissimilar launch capability for the nation.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that it is in the national security interest of the United States to maintain uninterrupted preeminence in human spaceflight.

At the end of title XIV of division A, add the following:

**SEC. 1411. TACTICAL WHEELED VEHICLES.**

(a) **ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.**—The amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army is hereby increased by \$360,800,000.

(b) **AVAILABILITY OF AMOUNT.**—Of the amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army, as increased by subsection (a)—

(1) \$360,800,000 may be made available for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan; or

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

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

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

On page 286, between lines 7 and 8, insert the following:

**SEC. 1073. ANNUAL REPORT ON COSTS TO CARRY OUT UNITED NATIONS RESOLUTIONS.**

(a) **REQUIREMENT FOR ANNUAL REPORT.**—The Secretary of Defense and the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives an annual report that sets forth all direct and indirect costs (including incremental costs) incurred by the Department of Defense during the preceding year in implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions undertaken by the Department of Defense. Each such report shall include an aggregate of all such Department of Defense costs by operation or mission, the percentage of the United States contribution by operation or mission, and the total cost of each operation or mission.

(b) **COSTS FOR ASSISTING FOREIGN TROOPS.**—The Secretary of Defense and the Secretary of State shall detail in each annual report required by this section all direct and indirect costs (including incremental costs) incurred in training, equipping, and otherwise assisting, preparing, resourcing, and transporting foreign troops for implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions.

(c) **CREDIT AND COMPENSATION.**—The Secretary of Defense and the Secretary of State shall detail in each annual report required by this section all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

(d) **FORM OF REPORT.**—Each annual report required by this section shall be submitted in unclassified form, but may include a classified annex.

On page 237, after line 17, insert the following:

**SEC. 846. EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS SIZE STANDARDS.**

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)), is amended by adding at the end the following:

“(4) **EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS SIZE STANDARDS.**—

“(A) **DETERMINATION REQUIRED.**—Not later than 30 days after the date of enactment of this paragraph, the Administrator shall review the application of size standards established pursuant to paragraph (2) to small business concerns that are performing contracts in qualified areas and determine whether it would be fair and appropriate to exclude from consideration in the average annual gross receipts of such small business concerns any payments made to such small business concerns by Federal agencies to reimburse such small business concerns for the cost of subcontracts entered for the sole purpose of providing security services in a qualified area.

“(B) **ACTION REQUIRED.**—Not later than 60 days after the date of enactment of this paragraph, the Administrator shall either—

“(i) initiate an adjustment to the size standards, as described in subparagraph (A), if the Administrator determines that such an adjustment would be fair and appropriate; or  
“(ii) provide a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives explaining in detail the basis for the determination by the Administrator that such an adjustment would not be fair and appropriate.

“(C) **QUALIFIED AREAS.**—In this paragraph, the term ‘qualified area’ means—

“(i) Iraq,  
“(ii) Afghanistan, and  
“(iii) any foreign country which included a combat zone, as that term is defined in section 112(c)(2) of the Internal Revenue Code of 1986, at the time of performance of the relevant Federal contract or subcontract.”

On page 237, after line 17, insert the following:

**SEC. 846. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.**

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

“(3) **SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.**—

“(A) **STATEMENT OF CONGRESSIONAL POLICY.**—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection, regardless of the geographic area in which the contracts will be performed.

“(B) **AUTHORIZATION TO USE CONTRACTING MECHANISMS.**—Federal agencies are authorized to use any of the contracting mechanisms authorized in this Act for the purpose of complying with the Congressional policy set forth in subparagraph (A).

“(C) **REPORT TO CONGRESSIONAL COMMITTEES.**—Not later than 1 year after the date of enactment of this paragraph, the Administrator and the Chief Counsel for Advocacy shall submit to the Committee on Small Business and Entrepreneurship of the Senate and Committee on Small Business of the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.”

On page 237, after line 17, insert the following:

**SEC. 846. FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.**

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

“(3) FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.—

“(A) STATEMENT OF CONGRESSIONAL POLICY.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection with regard to orders under multiple-award contracts, including Federal Supply Schedule contracts and multi-agency contracts.

“(B) AUTHORIZATION FOR LIMITED COMPETITION.—The head of a contracting agency may include in any contract entered under section 2304a(d)(1)(B) or 2304b(e) of title 10, United States Code, a clause setting aside a specific share of awards under such contract pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

“(C) REPORT REQUIREMENT.—

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall submit a report on the level of participation of small business concerns in multiple-award contracts, including Federal Supply Schedule contracts, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

“(ii) CONTENTS.—The report required by clause (i) shall include, for the most recent 2-year period for which data are available—

“(I) the total number of multiple-award contracts;

“(II) the total number of small business concerns that received multiple-award contracts;

“(III) the total number of orders under multiple-award contracts;

“(IV) the total value of orders under multiple-award contracts;

“(V) the number of orders received by small business concerns under multiple-award contracts;

“(VI) the value of orders received by small business concerns under multiple-award contracts;

“(VII) the number of small business concerns that received orders under multiple-award contracts; and

“(VIII) such other information as may be relevant.”.

On page 218, strike line 1 and all that follows through page 220, line 5, and insert the following:

**SEC. 814. RESEARCH AND DEVELOPMENT EFFORTS FOR PURPOSES OF SMALL BUSINESS RESEARCH.**

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(x) RESEARCH AND DEVELOPMENT FOCUS.—

“(1) REVISION AND UPDATE OF CRITERIA AND PROCEDURES OF IDENTIFICATION.—In carrying out subsection (g), the Secretary of Defense shall, not less often than once every 4 years, revise and update the criteria and procedures utilized to identify areas of the research and development efforts of the Department of Defense which are suitable for the provision of funds under the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

“(2) UTILIZATION OF PLANS.—The criteria and procedures described in paragraph (1) shall be developed through the use of the most current versions of the following plans:

“(A) The joint warfighting science and technology plan required under section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note).

“(B) The Defense Technology Area Plan of the Department of Defense.

“(C) The Basic Research Plan of the Department of Defense.

“(3) INPUT IN IDENTIFICATION OF AREAS OF EFFORT.—The criteria and procedures described in paragraph (1) shall include input in the identification of areas of research and development efforts described in that paragraph from Department of Defense program managers (PMs) and program executive officers (PEOs).

“(y) COMMERCIALIZATION PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary of Defense and the Secretary of each military department is authorized to create and administer a ‘Commercialization Pilot Program’ to accelerate the transition of technologies, products, and services developed under the Small Business Innovation Research Program to Phase III, including the acquisition process.

“(2) IDENTIFICATION OF RESEARCH PROGRAMS FOR ACCELERATED TRANSITION TO ACQUISITION PROCESS.—In carrying out the Commercialization Pilot Program, the Secretary of Defense and the Secretary of each military department shall identify research programs of the Small Business Innovation Research Program that have the potential for rapid transitioning to Phase III and into the acquisition process.

“(3) LIMITATION.—No research program may be identified under paragraph (2), unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.

“(4) FUNDING.—For payment of expenses incurred to administer the Commercialization Pilot Program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program. Such funds—

“(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

“(B) shall not be used to make Phase III awards.

“(5) EVALUATIVE REPORT.—At the end of each fiscal year, the Secretary of Defense and each Secretary of a military department shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an evaluative report regarding activities under the Commercialization Pilot Program. The report shall include—

“(A) an accounting of the funds used in the Commercialization Pilot Program;

“(B) a detailed description of the Commercialization Pilot Program, including incentives and activities undertaken by acquisition program managers, program executive officers, and by prime contractors; and

“(C) a detailed compilation of results achieved by the Commercialization Pilot Program, including the number of small business concerns assisted and a number of inventions commercialized.

“(6) SUNSET.—The pilot program under this subsection shall terminate at the end of fiscal year 2009.”.

(b) IMPLEMENTATION OF EXECUTIVE ORDER 13329.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) to provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).”;

(2) in subsection (g)—

(A) in paragraph (9), by striking “and” at the end;

(B) in paragraph (10), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(11) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).”; and

(3) in subsection (o)—

(A) in paragraph (14), by striking “and” at the end;

(B) in paragraph (15), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(16) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).”.

(c) TESTING AND EVALUATION AUTHORITY.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(9) the term ‘commercial applications’ shall not be construed to exclude testing and evaluation of products, services, or technologies for use in technical or weapons systems, and further, awards for testing and evaluation of products, services, or technologies for use in technical or weapons systems may be made in either the second or the third phase of the Small Business Innovation Research Program and of the Small Business Technology Transfer Program, as defined in this subsection.”.

On page 237, after line 17, insert the following:

**SEC. 846. DISASTER RELIEF FOR SMALL BUSINESS CONCERN DAMAGED BY DROUGHT.**

(a) DROUGHT DISASTER AUTHORITY.—

(1) DEFINITION OF DISASTER.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting “(1)” after “(k)”; and

(B) by adding at the end the following:

“(2) For purposes of section 7(b)(2), the term ‘disaster’ includes—

“(A) drought; and

“(B) below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns.”.

(2) DROUGHT DISASTER RELIEF AUTHORITY.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(A) by inserting “(including drought), with respect to both farm-related and nonfarm-related small business concerns,” before “if the Administration”; and

(B) in subparagraph (B), by striking “the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)” and inserting the following: “section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), in which case, assistance under this paragraph may be provided to farm-related and nonfarm-related small business concerns, subject to the other applicable requirements of this paragraph.”.

(b) LIMITATION ON LOANS.—From funds otherwise appropriated for loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than \$9,000,000 may be used during each of fiscal years 2005 through 2008, to provide drought disaster loans to nonfarm-related small business concerns in accordance with this section and the amendments made by this section.

(c) PROMPT RESPONSE TO DISASTER REQUESTS.—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is

amended by striking “Upon receipt of such certification, the Administration may” and inserting ‘Not later than 30 days after the date of receipt of such certification by a Governor of a State, the Administration shall respond in writing to that Governor on its determination and the reasons therefore, and may’.

(d) RULEMAKING.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final rules to carry out this section and the amendments made by this section.

On page 237, after line 17, insert the following:

**SEC. 846. RADIO FREQUENCY IDENTIFIER TECHNOLOGY.**

(a) SMALL BUSINESS STRATEGY.—As part of implementing its requirement that contractors use radio frequency identifier technology, the Secretary of Defense shall develop and implement a strategy to educate the small business community regarding radio frequency identifier technology requirements, compliance, standards, and opportunities.

(b) REPORTING.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Small Business and Entrepreneurship and the Committee on Armed Services of the Senate and the Committee on Small Business and the Committee on Armed Services of the House of Representatives detailing the status of the efforts by the Secretary of Defense to establish requirements for radio frequency identifier technology used in Department of Defense contracting, including—

(A) standardization of the data required to be reported by such technology; and

(B) standardization of the manufacturing quality required for such technology.

(C) the status of the efforts of the Secretary of Defense to develop and implement a strategy to educate the small business community, as required by subsection (a)(2).

At the end of subtitle E of title VI, add the following:

**SEC. 653. SERVICEMEMBERS RIGHTS UNDER THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968.**

(a) IN GENERAL.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (II), by striking “; and” and inserting a semicolon;

(2) in subclause (III), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(IV) notify the homeowner by a statement or notice, written in plain English by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependents of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), including the toll-free military one source number to call if servicemembers, or the dependents of such servicemembers, require further assistance.”.

(b) NO EFFECT ON OTHER LAWS.—Nothing in this section shall relieve any person of any obligation imposed by any other Federal, State, or local law.

(c) DISCLOSURE FORM.—Not later than 150 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue a final disclosure form to fulfill the requirement of section 106(c)(5)(A)(ii)(IV) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)).

(d) EFFECTIVE DATE.—The amendments made under subsection (a) shall take effect

150 days after the date of enactment of this Act.

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

**SEC. 114. SECOND SOURCE FOR PRODUCTION AND SUPPLY OF TIRES FOR THE STRYKER COMBAT VEHICLE.**

(a) REQUIREMENT.—The Secretary of the Army shall conduct a study of the feasibility and costs and benefits for the participation of a second source for the production and supply of tires for the Stryker combat vehicle to be procured by the Army with funds authorized to be appropriated in this Act.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the study under subsection (a). The report shall include—

(1) an analysis of the capacity of the industrial base in the United States to meet requirements for a second source for the production and supply of tires for the Stryker combat vehicle; and

(2) to the extent that the capacity of the industrial base in the United States is not adequate to meet such requirements, recommendations on means, over the short-term and the long-term, to address that inadequacy.

At the appropriate place in title VIII, insert the following:

**SEC. \_\_\_\_\_. ENSURING TRANSPARENCY IN FEDERAL CONTRACTING.**

(a) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR PENALTIES AND VIOLATIONS.—(1) The Secretary of Defense shall maintain a publicly-available website that provides information on instances in which major contractors have been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against them in connection with allegations of improper conduct. The website shall be updated not less than once a year.

(2) For the purpose of this subsection, a major contractor is a contractor that receives at least \$100,000,000 in Federal contracts in the most recent fiscal year for which data are available.

**(b) REPORT ON FEDERAL SOLE SOURCE CONTRACTS RELATED TO IRAQ RECONSTRUCTION.**

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to Congress a report on all sole source contracts in excess of \$2,000,000 entered into by executive agencies in connection with Iraq reconstruction from January 1, 2003, through the date of the enactment of this Act.

(2) CONTENT.—The report submitted under paragraph (1) shall include the following information with respect to each such contract:

- (A) The date the contract was awarded.
- (B) The contract number.
- (C) The name of the contractor.
- (D) The amount awarded.

(E) A brief description of the work to be performed under the contract.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

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

**SEC. 807. GUIDANCE ON USE OF TIERED EVALUATION OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.**

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall prescribe guidance for the military departments and the Defense Agencies on the use of tiered evaluations of offers or proposals of offerors for contracts and for task orders under contracts.

(b) ELEMENTS.—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer or proposal of an offeror for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation why such contracting officer was unable to make such determination.

On page 52, between lines 5 and 6, insert the following:

**SEC. 304. NAVY HUMAN RESOURCES BENEFIT CALL CENTER.**

Of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, \$1,500,000 may be available for civilian manpower and personnel for a human resources benefit call center.

On page 213, between lines 2 and 3, insert the following:

**SEC. 807. CONGRESSIONAL NOTIFICATION OF CANCELLATION OF MAJOR AUTOMATED INFORMATION SYSTEMS.**

(a) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees not less than 60 days before cancelling a major automated information system program that has been fielded or approved to be fielded, or making a change that will significantly reduce the scope of such a program, of the proposed cancellation or change.

(b) CONTENT.—Each notification submitted under subsection (a) with respect to the proposed cancellation or change shall include—

(1) the specific justification for the proposed change;

(2) a description of the impact of the proposed change on the Department’s ability to achieve the objectives of the program that has been cancelled or changed;

(3) a description of the steps that the Department plans to take to achieve such objectives; and

(4) other information relevant to the change in acquisition strategy.

(c) DEFINITIONS.—In this section:

(1) The term “major automated information system” has the meaning given that term in Department of Defense Directive 5000.

(2) The term “approved to be fielded” means having received Milestone C approval.

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

**SEC. 330. PROVISION OF DEPARTMENT OF DEFENSE SUPPORT FOR CERTAIN PARALYMPIC SPORTING EVENTS.**

Section 2564 of title 10, United States Code, is amended—

(1) in subsection (c) by adding at the end the following new paragraphs:

“(4) A sporting event sanctions by the United States Olympic Committee through the Paralympic Military Program.

“(5) A national or international Paralympic sporting event (other than one covered by paragraph (3) or (4)) which is—

“(A) held in the United States or any of its territories or commonwealths;

“(B) governed by the International Paralympic Committee;

“(C) sanctioned by the United States Olympic Committee; and

“(D) for which participation exceeds 100 amateur athletes.”; and

(2) in subsection (d)—  
 (A) by inserting “(1)” before “The Secretary”; and  
 (B) by adding at the end the following new paragraph:  
 “(2) Not more than \$1,000,000 may be expended in any fiscal year to provide support for events specified under paragraph (5) of subsection (c).”

On page 292, between lines 15 and 16, insert the following:

**SEC. 1106. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-76.**

(a) **ELIGIBILITY TO PROTEST.**—(1) Section 3551(2) of title 31, United States Code, is amended to read as follows:

“(2) The term ‘interested party’—

“(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

“(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding performance of an activity or function of a Federal agency, includes—

“(i) any official who submitted the agency tender in such competition; and

“(ii) any one person who, for the purpose of representing them in a protest under this subchapter that relates to such competition, has been designated as their agent by a majority of the employees of such Federal agency who are engaged in the performance of such activity or function.”

(2)(A) Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

**“§ 3557. Expedited action in protests for Public-Private competitions**

“For protests in cases of public-private competitions conducted under Office of Management and Budget Circular A-76 regarding performance of an activity or function of Federal agencies, the Comptroller General shall administer the provisions of this subchapter in a manner best suited for expediting final resolution of such protests and final action in such competitions.”

(B) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

“3557. Expedited action in protests for public-private competitions.”.

(b) **RIGHT TO INTERVENE IN CIVIL ACTION.**—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

“(5) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competition conducted under Office of Management and Budget Circular A-76 regarding performance of an activity or function of a Federal agency, then an official or person described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.”.

(c) **APPLICABILITY.**—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (b)), shall apply to—

(1) protests and civil actions that challenge final selections of sources of performance of an activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A-76 on or after January 1, 2004; and

(2) any other protests and civil actions that relate to public-private competitions

initiated under Office of Management and Budget Circular A-76 on or after the date of the enactment of this Act.

On page 213, between lines 2 and 3, insert the following:

**SEC. 807. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.**

(a) **LIMITATION.**—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

“(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

“(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2003; and

“(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of \$10,000,000 or 10 percent of the most efficient organization’s personnel-related costs for performance of that activity or function by Federal employees.

“(B) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A-76.

“(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A-76.

“(D) The Secretary of Defense may waive the requirement for a public-private competition under subparagraph (A) in specific instances if—

“(i) the written waiver is prepared by the Secretary of Defense or the relevant Assistant Secretary of Defense, Secretary of a military department, or head of a Defense Agency;

“(ii) the written waiver is accompanied by a detailed determination that national security interests preclude compliance with the requirement for a public-private competition; and

“(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is granted, although use of the waiver need not be delayed until its publication.”.

(b) **INAPPLICABILITY TO BEST-VALUE SOURCE SELECTION PILOT PROGRAM.**—Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Pub-

lic Law 108-136; 117 Stat. 1444; 10 U.S.C. 2461 note).

(c) **REPEAL OF SUPERSEDED LAW.**—Section 327 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 2461 note) is repealed.

**SEC. 808. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.**

(a) **GUIDELINES.**—

(1) **IN GENERAL.**—The Secretary of Defense shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) **CRITERIA.**—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) were not awarded on a competitive basis; or

(D) have been determined by a contracting officer to be poorly performed due to excessive costs or inferior quality.

(b) **NEW REQUIREMENTS.**—

(1) **LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.**—No public-private competition may be required under Office of Management and Budget Circular A-76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences, the performance by Federal Government employees of work pursuant to subsection (a) commences, or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A-76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) **CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.**—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) **USE OF FLEXIBLE HIRING AUTHORITY.**—The Secretary shall include the use of the flexible hiring authority available through the National Security Personnel System in order to facilitate performance by Federal Government employees of new requirements and work that is performed under Department of Defense contracts.

(d) **INSPECTOR GENERAL REPORT.**—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) **DEFINITIONS.**—In this section:

(1) The term “National Security Personnel System” means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term “inherently governmental function” has the meaning given that term

in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 112 Stat. 2384; 31 U.S.C. 501 note).

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

**SEC. 807. CONTRACTING FOR PROCUREMENT OF CERTAIN SUPPLIES AND SERVICES.**

(a) MODIFICATION OF LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—Section 8014(a)(3) of the Department of Defense Appropriations Act, 2005 (Public law 108-287; 118 Stat. 972) is amended—

(1) in subparagraph (A), by inserting “, payment that could be used in lieu of such a plan, health savings account, or medical savings account” after “health insurance plan”; and

(2) in subparagraph (B), by striking “that requires” and all that follows through the end and inserting “that does not comply with the requirements of any Federal law governing the provision of health care benefits by Government contractors that would be applicable if the contractor performed the activity or function under the contract.”.

At the appropriate place in title V, insert the following:

**SEC. \_\_\_\_\_. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE PARALYMPIC GAMES.**

Section 717(a)(1) of title 10, United States Code, is amended by striking “and Olympic Games” and inserting “, Olympic Games, and Paralympic Games.”.

On page 371, between lines 8 and 9, insert the following:

**SEC. 2887. REPORT ON USE OF GROUND SOURCE HEAT PUMPS AT DEPARTMENT OF DEFENSE FACILITIES.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of ground source heat pumps at Department of Defense facilities.

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

(1) a description of the types of Department of Defense facilities that use ground source heat pumps;

(2) an assessment of the applicability and cost-effectiveness of the use of ground source heat pumps at Department of Defense facilities in different geographic regions of the United States;

(3) a description of the relative applicability of ground source heat pumps for purposes of new construction at, and retrofitting of, Department of Defense facilities; and

(4) recommendations for facilitating and encouraging the increased use of ground source heat pumps at Department of Defense facilities.

**SA 2045.** Mr. FRIST (for Mr. SPECTER) proposed an amendment to the bill S. 1197, to reauthorize the Violence Against Women Act of 1994; as follows:

On page 272, line 21, strike “a person who is 60 years” and insert “a person who is 50 years”.

On page 273, after line 8, insert the following:

(9A) INDIAN COUNTRY.—The term “Indian country” has the same meaning given such term in section 1151 of title 18, United States Code.

On page 292, lines 4 and 5, strike “, Indian tribal government.”.

On page 292, lines 6 and 7, strike “, Indian tribal government.”.

On page 292, lines 23 and 24, strike “, unit of local government, or Indian tribal government” and insert “or unit of local government”.

On page 293, lines 1 and 2, strike “, units of local government, and Indian tribal govern-

ments” and insert “and units of local government”.

On page 322, line 15, strike “2231(b)” and insert “2261(b)”.

On page 362, lines 6 and 7, strike “Services, Indian Child Welfare,” and insert “Service, tribal child protective services.”.

On page 419, strike line 10 and all that follows through page 425, line 16, and insert the following:

**“SEC. 41404. COLLABORATIVE GRANTS TO DEVELOP LONG-TERM HOUSING FOR VICTIMS.**

“(a) GRANTS AUTHORIZED.—

“(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Administration of Children and Families, in consultation with the Secretary of Housing and Urban Development, shall award grants, contracts, or cooperative agreements for a period of not less than 2 years to eligible entities to develop long-term housing options for adult and youth victims of domestic violence, dating violence, sexual assault, and stalking who are currently homeless or at risk for becoming homeless.

“(2) AMOUNT.—The Secretary of Health and Human Services shall award funds in amounts—

“(A) not less than \$25,000 per year; and

“(B) not more than \$1,000,000 per year.

“(b) ELIGIBLE ENTITIES.—To be eligible to receive funds under this section, an entity shall demonstrate that it is a coalition or partnership, applying jointly, that—

“(1) shall include a domestic violence victim service provider;

“(2) shall include—

“(A) a homeless service provider;

“(B) a nonprofit, nongovernmental community housing development organization or a Department of Agriculture rural housing service program; or

“(C) in the absence of a homeless service provider on tribal lands or nonprofit, nongovernmental community housing development organization on tribal lands, a tribally designated housing entity or tribal housing consortium;

“(3) may include a dating violence, sexual assault, or stalking victim service provider;

“(4) may include housing developers, housing corporations, State housing finance agencies, other housing agencies, and associations representing landlords;

“(5) may include a public housing agency or tribally designated housing entity;

“(6) may include tenant organizations in public or tribally designated housing, as well as nonprofit, nongovernmental tenant organizations;

“(7) may include other nonprofit, nongovernmental organizations participating in the Department of Housing and Urban Development’s Continuum of Care process;

“(8) may include a State, tribal, territorial, or local government or government agency; and

“(9) may include any other agencies or nonprofit, nongovernmental organizations with the capacity to provide effective help to adult and youth victims of domestic violence, dating violence, sexual assault, or stalking.

“(c) APPLICATION.—Each eligible entity seeking funds under this section shall submit an application to the Secretary of Health and Human Services at such time, in such manner, and containing such information as the Secretary of Health and Human Services may require.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—Funds awarded to eligible entities under subsection (a) shall be used to design or replicate and implement new activities, services, and programs to develop long-term housing options for adult and youth victims of domestic violence, dat-

ing violence, sexual assault, or stalking, and their dependents, who are currently homeless or at risk of becoming homeless.

“(2) ACTIVITIES, SERVICES, PROGRAMS.—Such activities, services, or programs described in paragraph (1)—

“(A) shall participate in the Department of Housing and Urban Development’s Continuum of Care process, unless such a process does not exist in the community to be served;

“(B) shall develop sustainable long-term housing in the community by—

“(i) coordinating efforts and resources among the various groups and organizations comprised in the entity to access existing private and public funding;

“(ii) assisting with the placement of individuals and families in long-term housing; and

“(iii) providing services to help individuals or families find and maintain long-term housing, including financial assistance and support services;

“(3) may develop partnerships with individuals, organizations, corporations, or other entities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

“(4) may use funds for the administrative expenses related to the continuing operation, upkeep, maintenance, and use of housing described in paragraph (3); and

“(5) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

“(e) LIMITATION.—Funds provided under paragraph (a) shall not be used for construction, modernization or renovation.

“(f) UNDERSERVED POPULATIONS AND PRIORITIES.—In awarding grants under this section, the Secretary of Health and Human Services shall—

“(1) give priority to linguistically and culturally specific services;

“(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and

“(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

“(g) DEFINITIONS.—For purposes of this section:

“(1) AFFORDABLE HOUSING.—The term ‘affordable housing’ means housing that complies with the conditions set forth in section 215 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745).

“(2) LONG-TERM HOUSING.—The term ‘long-term housing’ means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

“(A) rented or owned by the individual;

“(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

“(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization.

“(h) EVALUATION, MONITORING, ADMINISTRATION, AND TECHNICAL ASSISTANCE.—For purposes of this section—

“(1) up to 5 percent of the funds appropriated under subsection (i) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

“(2) up to 8 percent of the funds appropriated under subsection (i) for each fiscal year may be used to provide technical assistance to grantees under this section.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this section.

On page 472, line 12, strike “**TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANT WOMEN**” and insert “**TITLE VIII—PROTECTION OF BATTERED AND TRAFFICKED IMMIGRANTS**”.

On page 473, line 5, strike “related to” and insert “substantially connected to”.

On page 473, strike lines 21 through 24, and insert the following:

“(iii) if the Secretary of Homeland Security determines that a trafficking victim, due to psychological or physical trauma, is unable to cooperate with a request for assistance described in clause (i)(III)(aa), the request is unreasonable.”

On page 474, strike lines 5 through 10, and insert the following:

(1) in clause (i), by striking “Attorney General” and inserting “Secretary of Homeland Security”;

On page 474, line 24, strike “(including physical or electronic stalking)”.

On page 475, line 19, insert “substantial” before “connection between the”

On page 476, line 15, strike “1 year” and insert “2 years”.

On page 479, strike lines 5 through 25, and insert the following:

(A) in the matter preceding subclause (I), by inserting “or the Secretary of Homeland Security, as appropriate” after “Attorney General”; and

(B) in subclause (II)(bb), by inserting “or the Secretary of Homeland Security” after “Attorney General”.

On page 480, strike lines 11 through 14, and insert “information”.

On page 486, line 10, insert “substantial” before “connection between the”

On page 487, lines 10 and 11, strike “occurred before the alien overstayed the grant of voluntary departure” and insert “is substantially connected to the alien’s overstaying the grant of voluntary departure”.

On page 488, strike beginning with line 21 through page 490, line 8.

On page 530, line 13, insert “of the Department of Health and Human Services” after “Secretary”.

On page 532, line 11, strike “representatives from”.

On page 533, line 20, strike “for health” and insert “health”.

On page 539, line 22, strike “to” and insert “of”.

On page 542, strike lines 20 and 21 and insert the following:

(1) in subsection (a)(1)(C), by striking “DNA profiles” and all that follows through “, and”;

On page 542, after line 21, insert the following:

(1A) in subsection (d)(1), by striking subparagraph (A), and inserting the following:

“(A) The Director of the Federal Bureau of Investigation shall promptly expunge from the index described in subsection (a) the DNA analysis of a person included in the index—

“(i) on the basis of conviction for a qualifying Federal offense or a qualifying District of Columbia offense (as determined under sections 3 and 4 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a, 14135b), respectively), if the Director receives, for each conviction of the person of a qualifying offense, a certified copy of a final court order establishing that such conviction has been overturned; or

“(ii) on the basis of an arrest under the authority of the United States, if the Attorney General receives, for each charge against the person on the basis of which the analysis

was, or could have been, included in the index, a certified copy of a final court order establishing that such charge has been dismissed, has resulted in an acquittal, or that no charge was filed within the applicable time period.”;

On page 543, line 4, strike “or resulted in an acquittal” and insert “, or has resulted in an acquittal or that no charge was filed within the applicable time period”.

On page 543, line 24, after “or” insert “from non-United States persons who are”.

#### EXPRESSING SYMPATHY FOR THE PEOPLE OF INDONESIA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 264, which was submitted early today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 264) expressing sympathy for the people of Indonesia in the aftermath of the deadly terrorist attacks in Bali on October 1, 2005.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 264) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 264

Whereas terrorists have planned and conducted attacks around the world since September 11, 2001, including the bombing of a night club on the Indonesian island of Bali on October 12, 2002, that killed 202 people and injured 209, the bombings of two synagogues and the British Embassy in Istanbul, Turkey, in November 2003, that killed 56 people and injured more than 450, the bombing of the train system in Madrid, Spain, on March 11, 2004, that killed more than 190 people and injured approximately 1,500, and the bombing of London’s public transportation system during the morning rush hour on July 7, 2005, that killed 52 people and injured approximately 700;

Whereas terrorists have struck Indonesia on multiple occasions, including the December 5, 2002, bombing of a McDonald’s restaurant on Sulawesi Island that killed 3 people and injured 11, the August 5, 2003, bombing of the J.W. Marriott Hotel in Jakarta that killed 12 people and injured 150, and the September 9, 2004, bombing of the Australian Embassy in Jakarta that killed 11 people and injured 100;

Whereas on October 1, 2005, terrorists again struck the popular Indonesian resort island of Bali, detonating explosives in three crowded restaurants that killed at least 19 innocent Indonesian civilians and foreign tourists from around the world and injuring approximately 182 others, including at least 6 citizens of the United States;

Whereas the terrorist attacks in Bali, Indonesia were senseless, barbaric, and depraved acts carried out against innocent civilians;

Whereas Indonesia is a friend and ally of the United States and in the past has endured terrorism against its civilians;

Whereas the people of the United States stand in solidarity with the people of Indonesia in fighting terrorism;

Whereas the United States immediately condemned the terrorist attacks and extended the condolences of the people of the United States to the people of Indonesia; and

Whereas Secretary of State Condoleezza Rice denounced the terrorist attacks on Bali, Indonesia, and stated, “The United States stands with the people and government of Indonesia as they work to bring to justice those responsible for these acts of terrorism. We will continue to work together in our common fight against terror.”: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses deepest sympathies and condolences to the people of Indonesia and the victims and their families of the heinous terrorist attacks that occurred on the Indonesian island of Bali on October 1, 2005;

(2) condemns these barbaric and unwarranted attacks on the innocent people of Indonesia and foreign tourists;

(3) expresses strong and continued solidarity with the people of Indonesia in opposing extremism and pledges to remain shoulder-to-shoulder with the people of Indonesia to bring the terrorists responsible for these and other brutal acts of violence to justice; and

(4) calls upon the international community to renew and strengthen efforts to—

(A) defeat terrorists by dismantling terrorist networks and exposing the violent and nihilistic ideology of terrorism;

(B) increase international cooperation to advance personal and religious freedoms, ethnic and racial tolerance, political liberty and pluralism, and economic prosperity; and

(C) combat the social injustice, oppression, poverty, and extremism that contributes to terrorism.

#### VIOLENCE AGAINST WOMEN ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 205, S. 1197.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1197) to reauthorize the Violence Against Women Act of 1994.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

#### S. 1197

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

[This Act may be cited as the “Violence Against Women Act of 2005”.

#### SEC. 2. TABLE OF CONTENTS.

[The table of contents for this Act is as follows:

[Sec. 1. Short title.

[Sec. 2. Table of contents.

[Sec. 3. Universal definitions and grant provisions.

[TITLE I—ENHANCING JUDICIAL AND LAW ENFORCEMENT TOOLS TO COMBAT VIOLENCE AGAINST WOMEN

[Sec. 101. Stop grants improvements.