

to heed such indicators, which may ultimately affect human populations; and

Whereas recognizing that the national network of community-based nature centers and chapters, scientific and educational programs, and advocacy of the National Audubon Society, engages millions of people of all ages and backgrounds in positive conservation experiences, and are integral to maintaining the health and beauty of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 100th anniversary of the National Audubon Society;

(2) congratulates the National Audubon Society on this milestone; and

(3) encourages the National Audubon Society to continue its important work to ensure that the next 100 years of conservation are a success.

Mr. CHAFEE. Mr. President, I am pleased to submit a resolution with Senator STABENOW to commemorate the National Audubon Society's Centennial Anniversary. Senators SNOWE, BOXER, CARPER, NELSON (FL), MARTINEZ, JEFFORDS, KERRY, FEINGOLD, DURBIN, FEINSTEIN, SCHUMER, CLINTON, COLLINS, CANTWELL, LIEBERMAN, DEWINE, CRAPO, BOND, LANDRIEU and VITTER have joined us as original cosponsors.

The National Audubon Society was first incorporated in 1905 by a dedicated group of conservationists with the goal of protecting birds such as the Great Egret from the plumage trade. Feathered hats were at the height of fashion in those days, and plume-traders would hunt egrets and other birds as part of a highly profitable business. By raising the awareness of the problem, the men and women who founded the National Audubon Society saved egrets and many other bird species from extinction.

Since that time, Audubon has worked to preserve and protect species and the habitat upon which they depend throughout the United States. The organization has been instrumental in setting aside natural areas as wildlife sanctuaries, and supporting major habitat restoration efforts including ongoing conservation work in the Florida Everglades, San Francisco Bay, and along the Mississippi River. As the U.S. partner in BirdLife International's Important Bird Areas (IBA) Program, Audubon has fostered the stewardship and protection of essential wildlife habitat from coast to coast. Through a science-based process of site identification, monitoring, education and outreach, Audubon's IBA program has laid the groundwork for community-based conservation with over 1,600 sites recognized as ecologically important for bird species. In recent months, Audubon has worked with partners to raise awareness of the plight of the Red Knot, a long-distance migratory bird species in steep decline as the result of the over-harvesting of its food source, habitat destruction and invasive species concerns.

The Senate Resolution we are submitting today recognizes the National Audubon Society's dedication and commitment to protecting wildlife and the

Nation's ecological heritage. We commemorate the National Audubon Society on its 100th anniversary, and wish the organization many more years of success.

—————

SENATE CONCURRENT RESOLUTION 62—DIRECTING THE JOINT COMMITTEE ON THE LIBRARY TO PROCURE A STATUE OF ROSA PARKS FOR PLACEMENT IN THE CAPITOL

Mr. MCCONNELL (for himself and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. PROCUREMENT OF A STATUE OF ROSA PARKS.

The Joint Committee on the Library shall procure a statue of Rosa Parks and cause such statue to be placed in a suitable location in the Capitol, as determined by the Joint Committee on the Library.

SEC. 2. PAYMENT OF EXPENSES.

The expenses incurred by the Joint Committee on the Library in carrying out this concurrent resolution shall be paid out of the miscellaneous items account within the contingency fund of the Senate on vouchers approved by the Joint Committee on the Library and signed by the chairman and vice-chairman of the Joint Committee.

—————

AMENDMENTS SUBMITTED AND PROPOSED

SA 2439. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SA 2440. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2441. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1042, supra.

SA 2442. Mr. BYRD (for himself, Mr. WARNER, Mr. ENSIGN, Mr. AKAKA, Mr. LAUTENBERG, and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 2443. Mr. ENSIGN proposed an amendment to the bill S. 1042, supra.

SA 2444. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2445. Mr. BROWBACK (for himself, Mr. INHOFE, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 2446. Mr. WARNER (for Mr. LIEBERMAN (for himself and Mr. CORNYN)) proposed an amendment to the bill S. 1042 supra.

SA 2447. Mr. WARNER (for Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS)) proposed an amendment to the bill S. 1042, supra.

SA 2448. Mr. WARNER (for Mr. CONRAD (for himself, Mr. BAUCUS, and Mr. SALAZAR)) proposed an amendment to the bill S. 1042, supra.

SA 2449. Mr. WARNER (for Mr. THUNE) proposed an amendment to the bill S. 1042, supra.

SA 2450. Mr. WARNER (for Mrs. MURRAY) proposed an amendment to the bill S. 1042, supra.

SA 2451. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, supra.

SA 2452. Mr. WARNER (for Mr. NELSON of Nebraska) proposed an amendment to the bill S. 1042, supra.

SA 2453. Mr. WARNER (for Mr. LOTT (for himself, Mr. COCHRAN, and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1042, supra.

SA 2454. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, supra.

SA 2455. Mr. WARNER (for Mr. REED (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill S. 1042, supra.

SA 2456. Mr. WARNER (for Mrs. DOLE) proposed an amendment to the bill S. 1042, supra.

SA 2457. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2458. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, supra.

SA 2459. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2460. Mr. WARNER (for Mrs. CLINTON (for herself and Ms. COLLINS)) proposed an amendment to the bill S. 1042, supra.

SA 2461. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2462. Mr. WARNER (for Mr. VITTER) proposed an amendment to the bill S. 1042, supra.

SA 2463. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, supra.

SA 2464. Mr. WARNER (for Mr. BAYH) proposed an amendment to the bill S. 1042, supra.

SA 2465. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2466. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 1042, supra.

SA 2467. Mr. WARNER (for Mr. DODD) proposed an amendment to the bill S. 1042, supra.

SA 2468. Mr. WARNER (for Mrs. DOLE) proposed an amendment to the bill S. 1042, supra.

SA 2469. Mr. WARNER (for Mr. CARPER) proposed an amendment to the bill S. 1042, supra.

SA 2470. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1042, supra.

SA 2471. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, supra.

SA 2472. Mr. VOINOVICH (for Mr. ENZI) proposed an amendment to the bill H.R. 797, to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

SA 2473. Mr. DURBIN (for himself, Mr. CORZINE, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

—————

TEXT OF AMENDMENTS

SA 2439. Mr. INHOFE submitted an amendment intended to be proposed by

him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. . AMERICAN FORCES NETWORK.

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

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

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

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

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

- (A) to provide balance and diversity;
 - (B) to deliver a cross-section of popular programming;
 - (C) to target appropriate demographics; and
 - (D) to maintain network broadcast standards.
- (5) The “Voice Channel”, or radio programming, of the American Forces Radio and Television Service and American Forces Net-

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

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

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

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

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

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

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

SA 2440. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1073. PRAYER AT MILITARY SERVICE ACADEMY ACTIVITIES.

(a) IN GENERAL.—The superintendent of a service academy may have in effect such policy as the superintendent considers appropriate with respect to the offering of a voluntary, nondenominational prayer at an otherwise authorized activity of the academy, subject to such limitations as the Secretary of Defense may prescribe.

(b) SERVICE ACADEMIES.—For purposes of this section, the term “service academy” means any of the following:

- (1) The United States Military Academy.
- (2) The United States Naval Academy.
- (3) The United States Air Force Academy.

SA 2441. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

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

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

SA 2442. Mr. BYRD (for himself, Mr. WARNER, Mr. ENSIGN, Mr. AKAKA, Mr. LAUTENBERG, and Mr. LEVIN) proposed an amendment intended to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. . DEPUTY SECRETARY OF DEFENSE FOR MANAGEMENT.

(a) ESTABLISHMENT.—
(1) POSITION AND DUTIES.—
(A) Chapter 4 of title 10, United States Code, is amended—

(i) in section 131(b), by striking paragraph (1) and inserting the following new paragraph:

“(1) Two Deputy Secretaries of Defense, as follows:

“(A) The Deputy Secretary of Defense.
“(B) The Deputy Secretary of Defense for Management.”; and

(ii) by inserting after section 132 the following new section 132a:

“§ 132a. Deputy Secretary of Defense for Management

“(a) ESTABLISHMENT.—(1) There is a Deputy Secretary of Defense for Management, appointed from civilian life by the President,

by and with the advice and consent of the Senate, from among persons who have—

“(A) extensive executive level experience in leadership and management in the public or private sector;

“(B) substantial experience in the reform of accounting or financial management systems in large organizations;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a record of achieving positive operational results.

“(2) A person may not be appointed as Deputy Secretary of Defense for Management within 10 years after relief from active duty as a commissioned officer of a regular component of an armed force.

“(3) The Deputy Secretary of Defense for Management shall serve for a term of seven years.

“(b) GENERAL AUTHORITY.—(1) The Deputy Secretary of Defense for Management—

“(A) serves as the Chief Management Officer of the Department of Defense;

“(B) is the principal adviser to the Secretary of Defense on matters relating to the management of the Department of Defense, including defense business activities, to ensure departmentwide capability to carry out the strategic plan of the Department of Defense in support of national security objectives; and

“(C) performs such additional duties and exercises such other powers as the Secretary may prescribe.

“(2) The Deputy Secretary of Defense for Management takes precedence in the Department of Defense immediately after the Deputy Secretary of Defense.

“(3)(A) The Deputy Secretary of Defense for Management shall act for, and exercise the powers of, the Secretary of Defense when—

“(i) the Secretary is disabled or there is no Secretary of Defense; and

“(ii) the Deputy Secretary of Defense is disabled or there is no Deputy Secretary of Defense.

“(B) The Deputy Secretary of Defense for Management shall act for, and exercise the powers of, the Deputy Secretary of Defense when the Deputy Secretary is disabled or there is no Deputy Secretary of Defense.

“(c) MANAGEMENT DUTIES.—To support the economical, efficient, and effective execution of the national defense objectives, policies, and plans of the Department of Defense, the Deputy Secretary of Defense for Management shall be responsible to the Secretary of Defense for the development, approval, implementation, integration, and oversight of policies, procedures, processes, and systems for the management of the Department of Defense that relate to performance of the following functions:

“(1) Planning and budgeting, including performance measurement.

“(2) Acquisition.

“(3) Logistics.

“(4) Facilities, installations, and environment.

“(5) Financial management.

“(6) Human resources and personnel.

“(7) Management of information resources, including information technology, networks, and telecommunications functions.

“(d) DEFENSE BUSINESS REFORM.—For the functions specified in subsection (c), the Deputy Secretary of Defense for Management shall—

“(1) develop and maintain a departmentwide management strategic plan for business reform, and identify key initiatives to be undertaken by the Department and its components, together with related resource needs;

“(2) establish performance goals and measures for improving and evaluating overall economy, efficiency, and effectiveness;

“(3) monitor and measure the progress of the Department of Defense and its components in meeting established performance goals for improving economy, efficiency, and effectiveness; and

“(4) review and approve plans and budgets for business reform, including any proposed changes to policies, procedures, processes, and systems, to ensure the compatibility of those plans and budgets with—

“(A) the overall strategic plan and budget of the Department of Defense;

“(B) the strategic plan for business reform of the Department of Defense; and

“(C) achievement of the integration of business activities throughout the Department of Defense.

“(e) DEFENSE BUSINESS SYSTEMS.—(1) In carrying out the duties of the position under this section, the Deputy Secretary of Defense for Management shall oversee the implementation of a defense business systems modernization program including the execution of any funds appropriated for maintaining legacy systems and for modernizing defense business systems.

“(2) The Deputy Secretary of Defense for Management shall—

“(A) oversee the development of, and shall review and approve, all budget requests for defense business systems, including the information to be submitted to Congress under section 2222(h) of this title; and

“(B) subject to the authority, direction, and control of the Secretary of Defense, perform the responsibilities of the Secretary under section 2222 of this title.

“(3) In this subsection, the terms ‘defense business system’ and ‘defense business system modernization’ have the meanings given to those terms in section 2222(j) of this title.

“(f) RELATIONSHIP TO OTHER DEFENSE OFFICIALS.—(1) The Deputy Secretary of Defense for Management exercises the authority of the Secretary of Defense in the performance of the duties of the Deputy Secretary under this section, subject to the authority, direction, and control of the Secretary.

“(2) The Secretaries of the military departments and the heads of the other elements of the Department of Defense are subject to the authority, direction, and control of the Deputy Secretary in the performance of their duties with respect to matters within the authority of the Deputy Secretary, and the exercise of that authority by the Deputy Secretary is binding on the military departments and such other elements.

“(g) CONSULTATION WITH OTHER OFFICIALS.—In carrying out the duties of the position under this section, the Deputy Secretary of Defense for Management shall consult on a continuing basis with the Deputy Secretary of Defense, the Secretaries of the military departments, and the Chairman of the Joint Chiefs of Staff—

“(1) to support economical, efficient, and effective performance of the missions of the Department of Defense; and

“(2) to support each of those officials—

“(A) in the implementation of the national defense strategy and the strategic plan of the Department of Defense; and

“(B) in the administration of related programs, plans, operations, and activities.

“(h) PERFORMANCE AND EVALUATION.—(1) The Deputy Secretary of Defense for Management shall enter into an annual performance agreement with the Secretary of Defense each year. The agreement shall set forth measurable individual and organizational goals that are consistent with the goals and measures established under subsection (d) of this section. The agreement shall be available for public disclosure.

“(2) The Secretary of Defense shall evaluate the performance of the Deputy Secretary of Defense for Management each year and

shall determine as part of each such evaluation whether the Deputy Secretary has made satisfactory progress toward achieving the goals set out in the performance agreement for that year under paragraph (1).”

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 132 the following new item:

“132a. Deputy Secretary of Defense for Management.”

(2) EXECUTIVE LEVEL II.—Section 5313 of title 5, United States Code, is amended by inserting after “Deputy Secretary of Defense” the following:

“Deputy Secretary of Defense for Management.”

(b) MEMBERSHIP OF CERTAIN DEPARTMENT OF DEFENSE MANAGEMENT COMMITTEES.—

(1) FINANCIAL MANAGEMENT MODERNIZATION EXECUTIVE COMMITTEE.—Section 185(a) of title 10, United States Code, is amended—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (A), (B), (C), (D), and (E) as subparagraphs (B), (C), (D), (E), and (F), respectively;

(ii) by inserting after “composed of the following:” the following new subparagraph (A):

“(A) The Deputy Secretary of Defense for Management, who shall be the chairman of the committee.”; and

(iii) in subparagraph (B), as redesignated by clause (i), by striking “, who shall be the chairman of the committee”; and

(B) in paragraph (3), by inserting “the Deputy Secretary of Defense for Management,” after “the Deputy Secretary of Defense.”

(2) DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.—Section 186 of such title is amended by striking “Deputy Secretary of Defense” each place it appears in subsections (a)(1) and (b) and inserting “Deputy Secretary of Defense for Management”.

(c) ADJUSTMENTS TO DUTIES AND PRECEDENCE OF OTHER OFFICIALS.—

(1) UNDER SECRETARY OF DEFENSE FOR POLICY.—Section 134 of title 10, United States Code, is amended—

(A) in subsection (b)(2), by striking “Secretary of Defense—” and inserting “Secretary of Defense and the Deputy Secretary of Defense—”; and

(B) in subsection (c), by inserting “the Deputy Secretary of Defense for Management,” after “the Deputy Secretary of Defense.”

(2) UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Section 133(e) of such title is amended—

(A) in paragraph (1), by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Deputy Secretary of Defense for Management”; and

(B) in paragraph (2), by inserting “the Deputy Secretary of Defense for Management,” after “the Deputy Secretary of Defense.”

(3) DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS.—Section 133b(c)(2) of such title is amended by inserting “the Deputy Secretary of Defense for Management,” after “the Deputy Secretary of Defense.”

(4) DIRECTOR OF OPERATIONAL TEST AND EVALUATION.—Section 139 of such title is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking “and the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “, the Deputy Secretary of Defense, the Deputy Secretary of Defense for Management, the Under Secretary of Defense for Acquisition, Technology, and Logistics,”; and

(ii) in paragraph (5), by inserting “, the Deputy Secretary of Defense, and the Deputy Secretary of Defense for Management” after “the Secretary of Defense”; and

(B) in subsection (c), by striking “and the Deputy Secretary of Defense” in the first sentence and inserting “, the Deputy Secretary of Defense, and the Deputy Secretary of Defense for Management”.

SA 2443. Mr. ENSIGN proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1073. RIOT CONTROL AGENTS.

(a) **RESTATEMENT OF POLICY.**—It is the policy of the United States that riot control agents are not chemical weapons and that the president may authorize their use as legitimate, legal, and non-lethal alternatives to the use of force that, as provided in Executive Order 11850 (40 Fed. Reg. 16187) and consistent with the resolution of ratification of the Chemical Weapons convention, may be employed by members of the Armed Forces in war in defensive military modes to save lives, including the illustrative purposes cited in Executive Order 11850.

(b) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the use of riot control agents by members of the Armed Forces.

(2) **CONTENT.**—The report required by paragraph (1) shall include—

(A) a description of all regulations, doctrines, training materials, and any other information related to the use of riot control agents by members of the Armed Forces;

(B) a description of the doctrinal publications, training, and other resources provided or available to members of the Armed Forces on an annual basis with regard to the tactical employment of riot control agents;

(C) a description of how the material described in subparagraphs (A) and (B) is consistent with United States policy on the use of riot control agents;

(D) a description of the availability of riot control agents, and the means to employ them, to members of the Armed Forces deployed in Iraq and Afghanistan;

(E) a description of the frequency of use of riot control agents since January 1, 1992, and a summary of views held by military commanders about the utility of the employing riot control agents by members of the Armed Forces;

(F) a general description of steps taken or to be taken by the Department of Defense to clarify the circumstances under which riot control agents may be used by members of the Armed Forces; and

(G) an assessment of the legality of Executive Order 11850, including an explanation why Executive Order 11850 remains valid under United States law.

(3) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) **DEFINITIONS.**—In this section:

(1) **CHEMICAL WEAPONS CONVENTION.**—The term “Chemical Weapons Convention” means the Convention on the Prohibitions of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103-21).

(2) **RESOLUTION OF RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION.**—The term

“resolution of ratification of the Chemical Weapons Convention” means S. Res. 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Chemical Weapons Convention.

SA 2444. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1073. SENSE OF THE SENATE ON THE EFFECT OF OIL AND GAS EXPLORATION ON MILITARY OPERATIONS.

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

(1) Continued encroachment, land use restrictions, and environmental protections have significantly limited military access to and use of Department of Defense training ranges, operating ranges, and controlled areas and hampered land, air, and sea testing.

(2) While simulators and non-live fire exercises are an important part of military training, there is no adequate substitute for live-fire training using the full range of ordnance available to the Armed Forces.

(3) Approved and controlled areas for realistic and safe live-fire testing and training operations are increasingly limited.

(4) The Department of Defense terminated Navy and Marine Corps live-fire training operations at Vieques Island, Puerto Rico.

(5) The air and sea space within and around the Eastern Gulf of Mexico is a unique and irreplaceable national security asset that provides critical live-fire testing and training opportunities.

(6) Increased oil and gas exploration operations in the waters or beneath the airspace controlled by the Department of Defense could restrict critical live-fire testing and training.

(7) Future weapons systems and advanced technologies with longer ranges at supersonic speeds will require more restricted air, land, and water range space.

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

(1) oil and gas exploration operations should not interfere with the testing and training missions of the Department of Defense; and

(2) any determination of range requirements and safety buffers should realistically account for future weapons systems and technologies, including longer range stand-off drone technologies.

SA 2445. Mr. BROWNBACK (for himself, Mr. INHOFE, and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . PROTECTION OF CHILDREN AND PARENTAL INVOLVEMENT IN THE PERFORMANCE OF ABORTIONS FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

Section 1093 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(C) **PARENTAL NOTICE.**—(1) A physician may not use facilities of the Department of Defense to perform an abortion on a pregnant unemancipated minor who is a child of a member of the armed forces unless—

“(A) the physician gives at least 48 hours actual notice, in person or by telephone, of the physician’s intent to perform the abortion to—

“(i) the member of the armed forces, or another parent of the minor, if the minor has no managing conservator or guardian; or

“(ii) a court-appointed managing conservator or guardian;

“(B) the judge of an appropriate district court of the United States issues an order authorizing the minor to consent to the abortion as provided by subsection (d) or (e);

“(C) the appropriate district court of the United States by its inaction constructively authorizes the minor to consent to the abortion as provided by subsection (d) or (e); or

“(D) the physician performing the abortion—

“(i) concludes that on the basis of the physician’s good faith clinical judgment, a condition exists that complicates the medical condition of the minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial and irreversible impairment of a major bodily function; and

“(ii) certifies in writing to the appropriate medical official of the Department of Defense, and in the patient’s medical record, the medical indications supporting the physician’s judgment that the circumstances described by clause (i) exist.

“(2) If a person to whom notice may be given under paragraph (1)(A) cannot be notified after a reasonable effort, a physician may perform an abortion if the physician gives 48 hours constructive notice, by certified mail, restricted delivery, sent to the last known address, to the person to whom notice may be given under that paragraph. The period under this paragraph begins when the notice is mailed. If the person required to be notified is not notified within the 48-hour period, the abortion may proceed even if the notice by mail is not received.

“(3) The requirement that 48 hours actual notice be provided under this subsection may be waived by an affidavit of—

“(A) the member of the armed forces concerned, or another parent of the minor, if the minor has no managing conservator or guardian; or

“(B) a court-appointed managing conservator or guardian.

“(4) A physician may execute for inclusion in the minor’s medical record an affidavit stating that, according to the best information and belief of the physician, notice or constructive notice has been provided as required by this subsection. Execution of an affidavit under this paragraph creates a presumption that the requirements of this subsection have been satisfied.

“(5) A certification required by paragraph (1)(D) is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. Personal or identifying information about the minor, including her name, address, or social security number, may not be included in a certification under paragraph (1)(D). The physician must keep the medical records on the minor

in compliance with regulations prescribed by the Secretary of Defense.

“(6) A physician who intentionally performs an abortion on a pregnant unemancipated minor in violation of this subsection commits an offense punishable by a fine not to exceed \$10,000.

“(7) It is a defense to prosecution under this subsection that the minor falsely represented her age or identity to the physician to be at least 18 years of age by displaying an apparently valid governmental record of identification such that a reasonable person under similar circumstances would have relied on the representation. The defense does not apply if the physician is shown to have had independent knowledge of the minor's actual age or identity or failed to use due diligence in determining the minor's age or identity.

“(d) JUDICIAL APPROVAL.—(1) A pregnant unemancipated minor who is a child of a member of the armed forces and who wishes to have an abortion using facilities of the Department of Defense without notification to the member of the armed forces, another parent, her managing conservator, or her guardian may file an application for a court order authorizing the minor to consent to the performance of an abortion without notification to either of her parents or a managing conservator or guardian.

“(2) Any application under this subsection may be filed in any appropriate district court of the United States. In the case of a minor who elects not to travel to the United States in pursuit of an order authorizing the abortion, the court may conduct the proceedings in the case of such application by telephone.

“(3) An application under this subsection shall be made under oath and include—

“(A) a statement that the minor is pregnant;

“(B) a statement that the minor is unmarried, is under 18 years of age, and has not had her disabilities removed;

“(C) a statement that the minor wishes to have an abortion without the notification of either of her parents or a managing conservator or guardian; and

“(D) a statement as to whether the minor has retained an attorney and, if she has retained an attorney, the name, address, and telephone number of her attorney.

“(4) The court shall appoint a guardian ad litem for the minor. If the minor has not retained an attorney, the court shall appoint an attorney to represent the minor. If the guardian ad litem is an attorney, the court may appoint the guardian ad litem to serve as the minor's attorney.

“(5) The court may appoint to serve as guardian ad litem for a minor—

“(A) a psychiatrist or an individual licensed or certified as a psychologist;

“(B) a member of the clergy;

“(C) a grandparent or an adult brother, sister, aunt, or uncle of the minor; or

“(D) another appropriate person selected by the court.

“(6) The court shall determine within 48 hours after the application is filed whether the minor is mature and sufficiently well-informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, whether notification would not be in the best interest of the minor, or whether notification may lead to physical, sexual, or emotional abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the court shall enter an order authorizing the minor to consent to the performance of the

abortion without notification to either of her parents or a managing conservator or guardian and shall execute the required forms.

“(7) If the court fails to rule on the application within the period specified in paragraph (6), the application shall be deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under subsection (c).

“(8) If the court finds that the minor does not meet the requirements of paragraph (6), the court may not authorize the minor to consent to an abortion without the notification authorized under subsection (c)(1).

“(9) The court may not notify a parent, managing conservator, or guardian that the minor is pregnant or that the minor wants to have an abortion. The court proceedings shall be conducted in a manner that protects the anonymity of the minor. The application and all other court documents pertaining to the proceedings are confidential and privileged and are not subject to disclosure, discovery, subpoena, or other legal process. The minor may file the application using a pseudonym or using only her initials.

“(10) An order of the court issued under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The order may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the order by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

“(11) A filing fee is not required of and court costs may not be assessed against a minor filing an application under this subsection.

“(e) APPEAL.—(1) A minor whose application under subsection (d) is denied may appeal to the court of appeals of the United States having jurisdiction of the district court of the United States that denied the application. If the court of appeals fails to rule on the appeal within 48 hours after the appeal is filed, the appeal shall be deemed to be granted and the physician may perform the abortion using facilities of the Department of Defense as if the court had issued an order authorizing the minor to consent to the performance of the abortion using facilities of the Department of Defense without notification under subsection (c). Proceedings under this subsection shall be given precedence over other pending matters to the extent necessary to assure that the court reaches a decision promptly.

“(2) A ruling of the court of appeals under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The ruling may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the ruling by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

“(3) A filing fee is not required of and court costs may not be assessed against a minor filing an appeal under this subsection.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘abortion’ means the use of any means at a medical facility of the Department of Defense to terminate the pregnancy of a female known by an attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the fetus. The term ap-

plies only to an unemancipated minor known by an attending physician to be pregnant and may not be construed to limit a minor's access to contraceptives.

“(2) The term ‘appropriate district court of the United States’ means—

“(A) with respect to a proposed abortion at a particular Department of Defense medical facility in the United States or its territories, the district court of the United States having proper venue in relation to that facility; or

“(B) if the minor is seeking an abortion at a particular Department of Defense facility outside the United States or its territories—

“(i) if the minor elects to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States having proper venue in the district in which the minor first arrives from outside the United States; or

“(ii) if the minor elects not to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States for the district in which the minor last resided.

“(3) The term ‘fetus’ means an individual human organism from fertilization until birth.

“(4) The term ‘guardian’ means a court-appointed guardian of the person of the minor.

“(5) The term ‘physician’ means an individual licensed to practice medicine.

“(6) The term ‘unemancipated minor’ includes a minor who is not a member of the armed forces and who—

“(A) is unmarried; and

“(B) has not had any disabilities of minority removed.”.

SA 2446. Mr. WARNER (for Mr. LIEBERMAN (for himself and Mr. CORNYN)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF DEFENSE SCIENCE BOARD TASK FORCE ON HIGH PERFORMANCE MICROCHIP SUPPLY.

(a) REPORT REQUIRED.—Not later than March 15, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the recommendations of the Defense Science Board Task Force on High Performance Microchip Supply.

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

(1) An analysis of each finding of the Task Force.

(2) A detailed description of the response of the Department of Defense to each recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement the recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of the recommendation; and

(B) For each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(3) A summary of any additional actions the Secretary plan to take to address concerns raised by the Task Force.

(c) CONSULTATION.—To the extent practicable, the Secretary may consult with other departments and agencies of the Federal Government, institutions of higher education and other academic organizations, and industry in the development of the report required by subsection (a).

SA 2447. Mr. WARNER (for Mr. HATCH for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 66, after line 22, insert the following:

SEC. 330. SENSE OF THE SENATE REGARDING DEPOT MAINTENANCE.

(a) FINDINGS.—The Senate finds that—

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

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the service has made great progress toward modernizing all 3 of its Depots, in order to maintain their status as “world class” maintenance repair and overhaul operations;

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

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

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

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

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

SA 2448. Mr. WARNER (for Mr. CONRAD for himself, Mr. BAUCUS, and Mr. SALAZAR) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military

activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1073. POLICY OF THE UNITED STATES ON THE INTERCONTINENTAL BALLISTIC MISSILE FORCE.

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

(1) Consistent with warhead levels agreed to in the Moscow Treaty, the United States is modifying the capacity of the Minuteman III intercontinental ballistic missile (ICBM) from its prior capability to carry up to 3 independent reentry vehicles (RVs) to carry as few as a single reentry vehicle, a process known as downloading.

(2) A series of Department of Defense studies of United States strategic forces, including the 2001 Nuclear Posture Review, has confirmed the continued need for 500 intercontinental ballistic missiles.

(3) In a potential nuclear crisis it is important that the nuclear weapons systems of the United States be configured so as to discourage other nations from making a first strike.

(4) The intercontinental ballistic missile force is currently being considered as part of the deliberations of the Department of Defense for the Quadrennial Defense Review.

(b) STATEMENT OF UNITED STATES POLICY.—It is the policy of the United States to continue to deploy a force of 500 intercontinental ballistic missiles, provided that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.

(c) MOSCOW TREATY DEFINED.—In this section, the term “Moscow Treaty” means the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, done at Moscow on May 24, 2002.

SA 2449. Mr. WARNER (for Mr. THUNE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1044. REPORT ON USE OF SPACE RADAR FOR TOPOGRAPHICAL MAPPING FOR SCIENTIFIC AND CIVIL PURPOSES.

(a) IN GENERAL.—Not later than January 15, 2006, the Secretary of Defense shall submit to the congressional defense committees on report on the feasibility and advisability of utilizing the Space Radar for purposes of providing coastal zone and other topographical mapping information, and related information, to the scientific community and other elements of the private sector for scientific and civil purposes.

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

(1) A description and evaluation of any uses of the Space Radar for scientific or civil purposes that are identified by the Secretary for purposes of the report.

(2) A description and evaluation of any additions or modifications to the Space Radar identified by the Secretary for purposes of the report that would increase the utility of

the Space Radar to the scientific community or other elements of the private sector for scientific or civil purposes, including the utilization of additional frequencies, the development or enhancement of ground systems, and the enhancement of operations.

(3) A description of the costs of any additions or modifications identified pursuant to paragraph (2).

(4) A description and evaluation of processes to be utilized to determine the means of modifying the Space Radar in order to meet the needs of the scientific community or other elements of the private sector with respect to the use of the Space Radar for scientific or civil purposes, and a proposal for meeting the costs of such modifications.

(5) A description and evaluation of the impacts, if any, on the primary missions of the Space Radar, and on the development of the Space Radar, of the use of the Space Radar for scientific or civil purposes.

(6) A description of the process for developing requirements for the Space Radar, including the involvement of the Civil Applications Committee.

SA 2450. Mr. WARNER (for Mrs. MURRAY) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

In the section heading of section 582, insert “OR DECREASES” after “INCREASES”.

In section 582(a), insert “or decrease” after “overall increase”.

In the matter preceding subparagraph (A) of section 582(b)(2), insert “or decrease” after “overall increase”.

In section 582(b)(2)(B), strike “; or” and insert a semicolon.

In section 582(b)(2)(C), strike the period at the end and insert “; or”.

In section 528(b)(2), add at the end the following:

(D) a change in the number of housing units on a military installation.

In section 582(d)(1), insert “or decrease” after “overall increase”.

SA 2451. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 585. PILOT PROJECTS ON PEDIATRIC EARLY LITERACY AMONG CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROJECTS AUTHORIZED.—The Secretary of Defense may conduct pilot projects to assess the feasibility, advisability, and utility of encouraging pediatric literacy among the children of members of the Armed Forces utilizing the Reach Out and Read model of pediatric early literacy.

(b) LOCATIONS.—

(1) IN GENERAL.—The pilot projects conducted under subsection (a) shall be conducted at not more than 20 military medical treatment facilities designated by the Secretary for purposes of this section.

(2) CO-LOCATION WITH CERTAIN INSTALLATIONS.—In designating military medical treatment facilities under paragraph (1), the Secretary shall, to the extent practicable, designate facilities that are located on, or co-located with, military installations at which the mobilization or demobilization of members of the Armed Forces occurs.

(c) ACTIVITIES.—Activities under the pilot projects conducted under subsection (a) shall include activities in accordance with the Reach Out and Read model of pediatric early literacy as follows:

(1) The provision of training to health care providers and other appropriate personnel on early literacy promotion.

(2) The purchase and distribution of children's books to members of the Armed Forces, their spouses, and their children.

(3) The modification of treatment facility and clinic waiting rooms to include a full selection of literature for children.

(4) The dissemination to members of the Armed Forces and their spouses of parent education materials on pediatric early literacy.

(5) Such other activities as the Secretary considers appropriate.

(d) CONSULTATION.—The Secretary shall consult with the Reach Out and Read National Center in the development and implementation of the pilot projects conducted under this section, including in the designation of locations of the pilot projects under subsection (b).

(e) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2007, the Secretary shall submit to the congressional defense committees a report on the pilot projects conducted under this section.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of the pilot projects conducted under this section, including the location of each pilot project and the activities conducted under each pilot project; and

(B) an assessment of the feasibility, advisability, and utility of encouraging pediatric early literacy among the children of members of the Armed Forces utilizing the Reach Out and Read model of pediatric early literacy.

(f) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, up to \$2,000,000 may be available for the pilot projects authorized by this section.

(2) AVAILABILITY.—The amount available under paragraph (1) shall remain available until expended.

SA 2452. Mr. WARNER (for Mr. NELSON of Nebraska) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle F of title V, add the following:

SEC. 573. UNIFORM POLICY ON PARENTAL LEAVE AND SIMILAR LEAVE.

(a) POLICY REQUIRED.—The Secretary of Defense shall prescribe in regulations a uniform policy for the taking by members of the Armed Forces of parental leave to cover leave to be used in connection with births or adoptions, as the Secretary shall designate under the policy.

(b) UNIFORMITY ACROSS ARMED FORCES.—The policy prescribed under subsection (a)

shall apply uniformly across the Armed Forces.

SA 2453. Mr. WARNER (for Mr. LOTT (for himself, Mr. COCHRAN, and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 224. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(5) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense, \$80,000,000 may be available for coproduction of the Arrow ballistic missile defense system.

SA 2454. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 807. ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE COMMUNICATION SERVICES.

(a) REQUIREMENT FOR SPEND ANALYSIS.—The Secretary of Defense shall, as a part of the effort of the Department of Defense to develop a revised strategy for acquiring commercial satellite communication services, perform a complete spend analysis of the past and current acquisitions by the Department of commercial satellite communication services.

(b) REPORT ON ACQUISITION STRATEGY.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the acquisition strategy of the Department of Defense for commercial satellite communications services.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the spend analysis required by subsection (a), including the results of the analysis.

(B) The proposed strategy of the Department for acquiring commercial satellite communication services, which strategy shall—

(i) be based in appropriate part on the results of the analysis required by subsection (a); and

(ii) take into account various methods of aggregating purchases and leveraging the purchasing power of the Department, including through the use of multiyear contracting for commercial satellite communication services.

(C) A proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite communications services using methods of aggregating purchases and leveraging the purchasing power of the Department (including the use of multiyear

contracting), or if the use of such methods is determined inadvisable, a statement of the rationale for such determination.

(D) A proposal for such other legislative action that the Secretary considers necessary to implement the strategy of the Department for acquiring commercial satellite communication services.

SA 2455. Mr. WARNER (for Mr. REED (for himself and Mr. ROCKEFELLER)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 296, after line 19, add the following:

SEC. 1205. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.

(a) REVIEW.—Not later than six months after date of enactment, the Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of United States and Russian nonstrategic nuclear weapons and determine whether it is in the national security interest of the United States—

(1) to reduce the number of United States and Russian nonstrategic nuclear weapons;

(2) to improve the security of United States and Russian nonstrategic nuclear weapons in storage and during transport;

(3) to identify and develop mechanisms and procedures to implement transparent reductions in nonstrategic nuclear weapons; and

(4) to identify and develop mechanisms and procedures to implement the transparent dismantlement of excess nonstrategic nuclear weapons.

(b) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State and the Secretary of Energy, submit a joint report on the results of the review required under subsection (a). The report shall include a plan to implement, not later than October 1, 2006, actions determined to be in the United States national security interest.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include an unclassified annex.

SA 2456. Mr. WARNER (for Mrs. DOLE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

SEC. 718. MENTAL HEALTH COUNSELORS UNDER TRICARE.

(a) IN GENERAL.—Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(17) Services of mental health counselors, except that—

“(A) such services are limited to services provided by counselors who are licensed under applicable State law to provide mental health services;

“(B) such services may be provided independently of medical oversight and supervision only in areas identified by the Secretary as ‘medically underserved areas’ where the Secretary determines that 25 percent or more of the residents are located in primary shortage areas designated pursuant

to section 332 of the Public Health Services Act (42 U.S.C. 254e); and

“(C) the provision of such services shall be consistent with such rules as may be prescribed by the Secretary of Defense, including criteria applicable to credentialing or certification of mental health counselors and a requirement that mental health counselors accept payment under this section as full payment for all services provided pursuant to this paragraph.”

(b) **AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.**—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting “mental health counselors,” after “psychologists.”

SA 2457. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. ____ CLARIFICATION OF CERTAIN AUTHORITIES RELATING TO THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.

(a) **NATURE OF COMMISSION.**—Subsection (a) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1880) is amended by inserting “in the legislative branch” after “There is established”.

(b) **PAY OF MEMBERS.**—Subsection (e)(1) of such section is amended striking “except that” and all that follows through the end and inserting “except that—

“(A) in applying the first sentence of subsection (a) of section 957 of such Act to the Commission, ‘may’ shall be substituted for ‘shall’; and

“(B) in applying subsections (a), (c)(2), and (e) of section 957 of such Act to the Commission, ‘level IV of the Executive Schedule’ shall be substituted for ‘level V of the Executive Schedule’.”

(c) **TECHNICAL AMENDMENT.**—Subsection (c)(2)(C) of such section is amended by striking “section 404(a)(4)” and inserting “section 416(a)(4)”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 28, 2004, as if included in the enactment of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.

SA 2458. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 144, strike lines 1 through 3 and insert the following:

SEC. 619. RETENTION INCENTIVE AND ASSIGNMENT BONUS FOR MEMBERS OF THE SELECTED RESERVE QUALIFIED IN A CRITICAL MILITARY SKILL OR WHO VOLUNTEER FOR ASSIGNMENT TO A HIGH PRIORITY UNIT.

On page 144, in the amendment made by section 619, strike line 8 and all that follows through page 145, line 12, and insert the following:

“§ 308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill; assignment bonus for members of the Selected Reserve who volunteer for assignment to a high priority unit

“(a) **BONUSES AUTHORIZED.**—(1) An eligible officer or enlisted member of the armed forces may be paid a retention bonus as provided in this section if—

“(A) in the case of an officer or warrant officer, the member executes a written agreement to remain in the Selected Reserve for at least 2 years;

“(B) in the case of an enlisted member, the member reenlists or voluntarily extends the member’s enlistment in the Selected Reserve for a period of at least 2 years; or

“(C) in the case of an enlisted member serving on an indefinite reenlistment, the member executes a written agreement to remain in the Selected Reserve for at least 2 years.

“(2) An officer or enlisted member of the armed forces may be paid an assignment bonus as provided in this section if the member voluntarily agrees to an assignment to a high priority unit of the Selected Reserve of the Ready Reserve of an armed force for at least 2 years.

“(b) **MEMBERS ELIGIBLE FOR RETENTION BONUS.**—Subject to subsection (d), an officer or enlisted member is eligible under subsection (a)(1) for a retention bonus under this section if the member—

“(1) is qualified in a military skill or specialty designated as critical for purposes of this section under subsection (c); or

“(2) agrees to train or retrain in a military skill or specialty so designated as critical.

“(c) **DESIGNATION OF CRITICAL SKILLS OR SPECIALTIES AND HIGH PRIORITY UNITS.**—The Secretary concerned shall—

“(1) designate the military skills and specialties that shall be treated as critical military skills and specialties for purposes of this section; and

“(2) designate the units that shall be treated as high priority units for purposes of this section.

On page 148, strike the matter between lines 6 and 7 and insert the following:

“§ 308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill; assignment bonus for members of the Selected Reserve who volunteer for assignment to a high priority unit.”

At the end of division A, add the following:

TITLE XV—RECRUITMENT AND RETENTION

SEC. 1501. SHORT TITLE.

This title may be cited as the “Military Recruiting Initiatives Act of 2005”.

SEC. 1502. INCREASE IN MAXIMUM ENLISTMENT BONUS.

(a) **ENLISTMENT BONUS FOR SELECTED RESERVE MEMBERS.**—Section 308c(b) of title 37, United States Code, is amended by striking “\$10,000” and inserting “\$20,000”.

(b) **ENLISTMENT BONUS FOR ACTIVE MEMBERS.**—Section 309(a) of title 37, United States Code, is amended by striking “\$20,000” and inserting “\$40,000”.

SEC. 1503. TEMPORARY AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.

(a) **AUTHORITY TO PAY BONUS.**—The Secretary of the Army may pay a bonus under this section to a member of the Army, whether in the regular component of the Army or in the Army National Guard or

Army Reserve, who refers to an Army recruiter a person who has not previously served in an Armed Force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

(b) **REFERRAL.**—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

(1) when a member of the Army contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the member in initially recruiting the person.

(c) **CERTAIN REFERRALS INELIGIBLE.**—

(1) **REFERRAL OF IMMEDIATE FAMILY.**—A member of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

(2) **MEMBERS IN RECRUITING ROLES.**—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

(d) **AMOUNT OF BONUS.**—The amount of the bonus paid for a referral under subsection (a) may not exceed \$1,000. The bonus shall be paid in a lump sum.

(e) **TIME OF PAYMENT.**—A bonus may not be paid under subsection (a) with respect to a person who enlists in the Army until the person completes basic training and individual advanced training.

(f) **RELATION TO PROHIBITION ON BOUNTIES.**—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10, United States Code.

(g) **LIMITATION ON INITIAL USE OF AUTHORITY.**—During the first year in which bonuses are offered under this section, the Secretary of the Army may not pay more than 1,000 referral bonuses per component of the Army.

(h) **DURATION OF AUTHORITY.**—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2007.

SEC. 1504. INCREASE IN MAXIMUM AGE FOR ENLISTMENT.

Section 505(a) of title 10, United States Code, is amended by striking “thirty-five years of age” and inserting “forty-two years of age”.

SEC. 1505. REPEAL OF PROHIBITION ON PRIOR SERVICE ENLISTMENT BONUS FOR RECEIPT OF OTHER ENLISTMENT OR REENLISTMENT BONUS FOR SERVICE IN THE SELECTED RESERVE.

Section 3081(a)(2) of title 37, United States Code, is amended by striking subparagraph (D).

SEC. 1506. INCREASE AND ENHANCEMENT OF AFFILIATION BONUS FOR OFFICERS OF THE SELECTED RESERVE.

(a) **REPEAL OF PROHIBITION ON ELIGIBILITY FOR PRIOR RESERVE SERVICE.**—Subsection (a)(2) of section 308j of title 37, United States Code, is amended—

(1) in subparagraph (A), by adding “and” at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) **INCREASE IN MAXIMUM AMOUNT.**—Subsection (d) of such section is amended by striking “\$6,000” and inserting “\$10,000”.

SEC. 1507. ENHANCEMENT OF EDUCATIONAL LOAN REPAYMENT AUTHORITIES.

(a) **ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.**—Paragraph (1) of section 2171(a) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “or” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; or”; and

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

“(D) any loan incurred for educational purposes made by a lender that is—

“(i) an agency or instrumentality of a State;

“(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

“(iii) a pension fund approved by the Secretary for purposes of this section; or

“(iv) a non-profit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.”.

(b) **ELIGIBILITY OF OFFICERS.**—Paragraph (2) of such section is amended by striking “an enlisted member in a military specialty” and inserting “a member in an officer program or military specialty”.

SEC. 1508. REPORT ON RESERVE DENTAL INSURANCE PROGRAM.

(a) **STUDY.**—The Secretary of Defense shall conduct a study of the Reserve Dental Insurance program.

(b) **ELEMENTS.**—The study required by subsection (a) shall—

(1) identify the most effective mechanism or mechanisms for the payment of premiums under the Reserve Dental Insurance program for members of the reserve components of the Armed Forces and their dependents, including by deduction from reserve pay, by direct collection, or by other means (including appropriate mechanisms from other military benefits programs), to ensure uninterrupted availability of premium payments regardless of whether members are performing active duty with pay or inactive-duty training with pay;

(2) include such matters relating to the Reserve Dental Insurance program as the Secretary considers appropriate; and

(3) assess the effectiveness of mechanisms for informing the members of the reserve components of the Armed Forces of the availability of, and benefits under, the Reserve Dental Insurance program.

(c) **REPORT.**—Not later than February 1, 2007, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include the findings of the study and such recommendations for legislative or administrative action regarding the Reserve Dental Insurance program as the Secretary considers appropriate in light of the study.

(d) **RESERVE DENTAL INSURANCE PROGRAM DEFINED.**—In this section, the term “Reserve Dental Insurance program” includes—

(1) the dental insurance plan required under paragraph (1) of section 1076a(a) of title 10, United States Code; and

(2) any dental insurance plan established under paragraph (2) or (4) of section 1076a(a) of title 10, United States Code.

SA 2459. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 807. GUIDANCE ON USE OF TIERED EVALUATION OF OFFERS FOR CONTRACTS AND TASK ORDERS UNDER CONTRACTS.

(a) **GUIDANCE REQUIRED.**—The Secretary of Defense shall prescribe guidance for the mili-

tary departments and the Defense Agencies on the use of tiered evaluations of offers or proposals of offerors for contracts and for task orders under contracts.

(b) **ELEMENTS.**—The guidance prescribed under subsection (a) shall include a prohibition on the initiation by a contracting officer of a tiered evaluation of an offer or proposal of an offeror for a contract or for a task or delivery order under a contract unless the contracting officer—

(1) has conducted market research in accordance with part 10 of the Federal Acquisition Regulation in order to determine whether or not a sufficient number of qualified small businesses are available to justify limiting competition for the award of such contract or task or delivery order under applicable law and regulations;

(2) is unable, after conducting market research under paragraph (1), to make the determination described in that paragraph; and

(3) includes in the contract file a written explanation why such contracting officer was unable to make such determination.

SA 2460. Mr. WARNER (for Mrs. CLINTON (for herself and Ms. COLLINS)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 596. CONSUMER EDUCATION FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES ON INSURANCE AND OTHER FINANCIAL SERVICES.

(a) **EDUCATION AND COUNSELING REQUIREMENTS.**—

(1) **IN GENERAL.**—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 992. Consumer education: financial services

“(a) **REQUIREMENT FOR CONSUMER EDUCATION PROGRAM FOR MEMBERS.**—(1) The Secretary concerned shall carry out a program to provide comprehensive education to members of the armed forces under the jurisdiction of the Secretary on—

“(A) financial services that are available under law to members;

“(B) financial services that are routinely offered by private sector sources to members;

“(C) practices relating to the marketing of private sector financial services to members;

“(D) such other matters relating to financial services available to members, and the marketing of financial services to members, as the Secretary considers appropriate; and

“(E) such other financial practices as the Secretary considers appropriate.

“(2) Training under this subsection shall be provided to members as—

“(A) a component of members initial entry orientation training; and

“(B) a component of periodically recurring required training that is provided for the members at military installations.

“(3) The training provided at a military installation under paragraph (2)(B) shall include information on any financial services marketing practices that are particularly prevalent at that military installation and in the vicinity.

“(b) **COUNSELING FOR MEMBERS AND SPOUSES.**—(1) The Secretary concerned shall, upon request, provide counseling on financial services to each member of the armed forces,

and such member’s spouse, under the jurisdiction of the Secretary.

“(2)(A) In the case of a military installation at which at least 2,000 members of the armed forces on active duty are assigned, the Secretary concerned—

“(i) shall provide counseling on financial services under this subsection through a full-time financial services counselor at such installation; and

“(ii) may provide such counseling at such installation by any means elected by the Secretary from among the following:

“(I) Through members of the armed forces in grade E-7 or above, or civilians, who provide such counseling as part of their other duties for the armed forces or the Department of Defense.

“(II) By contract, including contract for services by telephone and by the Internet.

“(III) Through qualified representatives of nonprofit organizations and agencies under formal agreements with the Department of Defense to provide such counseling.

“(B) In the case of any military installation not described in subparagraph (A), the Secretary concerned shall provide counseling on financial services under this subsection at such installation by any of the means set forth in subparagraph (A)(ii), as elected by the Secretary concerned.

“(3) Each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraph (2), shall be an individual who, by reason of education, training, or experience, is qualified to provide helpful counseling to members of the armed forces and their spouses on financial services and marketing practices described in subsection (a)(1). Such individual may be a member of the armed forces or an employee of the Federal Government.

“(4) The Secretary concerned shall take such action as is necessary to ensure that each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraphs (2), is free from conflicts of interest relevant to the performance of duty under this section, and, in the performance of that duty, is dedicated to furnishing members of the armed forces and their spouses with helpful information and counseling on financial services and related marketing practices.

“(c) **LIFE INSURANCE.**—(1) In counseling a member of the armed forces, or spouse of a member of the armed forces, under this section regarding life insurance offered by a private sector source, a financial services counselor under subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), shall furnish the member or spouse, as the case may be, with information on the availability of Servicemembers’ Group Life Insurance under subchapter III of chapter 19 of title 38, including information on the amounts of coverage available and the procedures for electing coverage and the amount of coverage.

“(2)(A) A covered member of the armed forces may not authorize payment to be made for private sector life insurance by means of an allotment of pay to which the member is entitled under chapter 3 of title 37 unless the authorization of allotment is accompanied by a written certification by a commander of the member, a financial services counselor referred to in subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), as applicable, that the member has received counseling under paragraph (1) regarding the purchase of coverage under that private sector life insurance.

“(B) Subject to subparagraph (C), a written certification described in subparagraph (A)

may not be made with respect to a member's authorization of allotment as described in subparagraph (A) until seven days after the date of the member's authorization of allotment in order to facilitate the provision of counseling to the member under paragraph (1).

“(C) The commander of a member may waive the applicability of subparagraph (B) to a member for good cause, including the member's imminent change of station.

“(D) In this paragraph, the term ‘covered member of the armed forces’ means an active duty member of the armed forces in grades E-1 through E-4.

“(d) FINANCIAL SERVICES DEFINED.—In this section, the term ‘financial services’ includes the following:

“(1) Life insurance, casualty insurance, and other insurance.

“(2) Investments in securities or financial instruments.

“(3) Banking, credit, loans, deferred payment plans, and mortgages.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“992. Consumer education: financial services.”.

(b) CONTINUING EFFECT OF EXISTING ALLOTMENTS FOR LIFE INSURANCE.—Paragraph (c)(2) of section 992 of title 10, United States Code (as added by subsection (a)), shall not affect any allotment of pay authorized by a member of the Armed Forces before the effective date of such section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

SA 2461. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 52, between lines 5 and 6, insert the following:

SEC. 304. NAVY HUMAN RESOURCES BENEFIT CALL CENTER.

Of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, \$1,500,000 may be available for civilian manpower and personnel for a human resources benefit call center.

SA 2462. Mr. WARNER (for Mr. VITTER) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 213, between lines 2 and 3, insert the following:

SEC. 807. CONGRESSIONAL NOTIFICATION OF CANCELLATION OF MAJOR AUTOMATED INFORMATION SYSTEMS.

(a) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees not less than 60 days before cancelling a major automated information system program that has been fielded or

approved to be fielded, or making a change that will significantly reduce the scope of such a program, of the proposed cancellation or change.

(b) CONTENT.—Each notification submitted under subsection (a) with respect to the proposed cancellation or change shall include—

(1) the specific justification for the proposed change;

(2) a description of the impact of the proposed change on the Department's ability to achieve the objectives of the program that has been cancelled or changed;

(3) a description of the steps that the Department plans to take to achieve such objectives; and

(4) other information relevant to the change in acquisition strategy.

(c) DEFINITIONS.—In this section:

(1) The term “major automated information system” has the meaning given that term in Department of Defense Directive 5000.

(2) The term “approved to be fielded” means having received Milestone C approval.

SA 2463. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 310, in the table following line 16, strike “\$8,450,000” in the amount column of the item relating to Fort Gillem, Georgia, and insert “\$3,900,000”.

On page 310, in the table following line 16, insert after the item relating to Fort Gillem, Georgia, the following:

	Fort Gordon	\$4,550,000
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SA 2464. Mr. WARNER (for Mr. BAYH) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1411. TACTICAL WHEELED VEHICLES.

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

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army, as increased by subsection (a), \$360,800,000 may be made available—

(1) for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), including Low Signature Armored Cabs for the family of MTVs, and armored Heavy Tactical Vehicles (HTVs); and

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

of such armored vehicles in accordance with other priorities of the Army.

(c) OFFSET.—The amount authorized to be appropriated by section 1409(a) for the Iraq Freedom Fund is hereby reduced by \$360,800,000.

SA 2465. Mr. WARNER proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of section 732, add the following:

(d) FUNDING.—

(1) IN GENERAL.—(A) The amount authorized to be appropriated by section 303(a) for the Defense Health Program is hereby increased by \$10,000,000.

(B) Of the amount authorized to be appropriated by section 303(a) for the Defense Health Program, as increased by subparagraph (A), \$10,000,000 shall be available for pilot projects under this section.

(C) The amount available under subparagraph (B) shall remain available until expended.

(2) OFFSET.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby decreased by \$10,000,000.

SA 2466. Mr. WARNER (for Mr. GRAHAM (for himself and Mr. NELSON of Nebraska)) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 104, in the amendment made by section 571, strike line 24 and all that follows through page 105, line 3, and insert the following:

310(a) of title 37;

“(ii) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section; or

“(iii) on or after August 29, 2005, performs duty designated by the Secretary of Defense as qualifying duty for purposes of this subsection.”.

At the end of title VI, add the following:

Subtitle F—Enhancement of Authorities for Recruitment and Retention

SEC. 671. INCREASE IN MAXIMUM RATE OF ASSIGNMENT INCENTIVE PAY.

(a) INCREASE IN MAXIMUM RATE.—Section 307a(c) of title 37, United States Code, is amended by striking “\$1,500” and inserting “\$3,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

SEC. 672. TEMPORARY INCREASE IN BASIC ALLOWANCE FOR HOUSING IN AREAS SUBJECT TO DECLARATION OF A MAJOR DISASTER.

(a) TEMPORARY INCREASE AUTHORIZED.—Section 403(b) of title 37, United States Code, is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5)(A) The Secretary of Defense may prescribe a temporary increase in rates of basic allowance for housing in a military housing area located in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

“(B) The amount of the increase under this paragraph in rates of basic allowance for housing in an area by reason of a disaster shall be based on a determination by the Secretary of the amount by which the costs of adequate housing for civilians have increased in the area by reason of the disaster.

“(C) The amount of any increase under this paragraph in a rate of basic allowance for housing may not exceed the amount equal to 20 percent of such rate of basic allowance for housing.

“(D) A member may be paid a basic allowance for housing at a rate increased under this paragraph by reason of a disaster only if the member certifies to the Secretary concerned that the member has incurred increased housing costs in the area concerned by reason of the disaster.

“(E) An increase in rates of basic allowance for housing in an area under this paragraph shall remain in effect until the effective date of the first adjustment in rates of basic allowance for housing made for the area pursuant to a redetermination of housing costs in the area under paragraph (4) that occurs after the date of the increase under this paragraph.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on September 1, 2005, and shall apply with respect to months beginning on or after that date.

SEC. 673. TEMPORARY AUTHORITY FOR INCENTIVES FOR RECRUITMENT OF MILITARY PERSONNEL.

(a) **AUTHORITY TO PROVIDE INCENTIVES.**—The Secretary of Defense may, in consultation with the Director of the Office of Management and Budget, develop and provide incentives (in addition to any other incentives authorized by law) for the recruitment of individuals as officers and enlisted members of the Armed Forces.

(b) **CONSTRUCTION WITH OTHER PERSONNEL AUTHORITIES.**—

(1) **IN GENERAL.**—Incentives may be provided under subsection (a)—

(A) without regard to the lack of specific authority for such incentives under title 10, United States Code, or title 37, United States Code; and

(B) notwithstanding any provision of title 10, United States Code, or title 37, United States Code, or any rule or regulation prescribed under such provision, relating to methods of—

(i) determining requirements for, and the compensation of, members of the Armed Forces who are assigned duty as military recruiters; or

(ii) providing incentives to individuals to accept commissions or enlist in the Armed Forces, including the provision of group or individual bonuses, pay, or other incentives.

(2) **WAIVER OF OTHERWISE APPLICABLE LAWS.**—No provision of title 10, United States Code, or title 37, United States Code, may be waived with respect to, or otherwise determined to be inapplicable to, the provision of incentives under subsection (a) except with the approval of the Secretary.

(c) **PLANS.**—

(1) **DEVELOPMENT OF PLANS.**—Before providing an incentive under subsection (a), or entering into any agreement or contract

with respect to the provision of such incentive, the Secretary shall develop a plan that includes—

(A) a description of such incentive, including the purpose of such project and the members (or potential recruits) of the Armed Forces to be addressed by such incentive;

(B) a statement of the anticipated outcomes of such incentive; and

(C) the method of evaluating the effectiveness of such incentive.

(2) **SUBMITTAL OF PLANS.**—Not later than 30 days before the provision of an incentive under subsection (a), the Secretary shall submit a copy of the plan developed under paragraph (1) on such incentive—

(A) to the elements of the Department of Defense to be affected by the provision of such incentive; and

(B) to Congress.

(d) **LIMITATIONS.**—

(1) **NUMBER OF INDIVIDUALS.**—The number of individuals provided incentives under subsection (a) may not exceed the number of individuals equal to 20 percent of the accession mission of the Armed Force concerned for the fiscal year in which such incentives are first provided.

(2) **DURATION OF PROVISION.**—The provision of incentives under subsection (a) shall terminate not later than the end of the three-year period beginning on the date on which the provision of such incentives commences (except that such incentives may continue to be provided beyond the date otherwise provided in this paragraph to the extent necessary to evaluate the effectiveness of such incentives).

(e) **REPORTS.**—

(1) **IN GENERAL.**—The Secretary shall submit to Congress on an annual basis a report on the incentives provided under subsection (a) during the preceding year.

(2) **ELEMENTS.**—Each report under this subsection shall include—

(A) a description of the incentives provided under subsection (a) during the fiscal year covered by such report; and

(B) an assessment of the impact of such incentives on the recruitment of individuals as officers or enlisted members of the Armed Forces.

SEC. 674. PAY AND BENEFITS TO FACILITATE VOLUNTARY SEPARATION OF TARGETED MEMBERS OF THE ARMED FORCES.

(a) **PAY AND BENEFITS AUTHORIZED.**—

(1) **IN GENERAL.**—Chapter 59 of title 10, United States Code, is amended by inserting after section 1175 the following new section:

“§ 1175a. Voluntary separation pay and benefits

“(a) **IN GENERAL.**—Under regulations approved by the Secretary of Defense, the Secretary concerned may provide voluntary separation pay and benefits in accordance with this section to eligible members of the armed forces who are voluntarily separated from active duty in the armed forces.

“(b) **ELIGIBLE MEMBERS.**—(1) Except as provided in paragraph (2), a member of the armed forces is eligible for voluntary separation pay and benefits under this section if the member—

“(A) has served on active duty for more than 6 years but not more than 20 years;

“(B) has served at least 5 years of continuous active duty immediately preceding the date of the member's separation from active duty;

“(C) has not been approved for payment of a voluntary separation incentive under section 1175 of this title;

“(D) meets such other requirements as the Secretary concerned may prescribe, which may include requirements relating to—

“(i) years of service, skill, rating, military specialty, or competitive category;

“(ii) grade or rank;

“(iii) remaining period of obligated service; or

“(iv) any combination of these factors; and

“(E) requests separation from active duty.

“(2) The following members are not eligible for voluntary separation pay and benefits under this section:

“(A) Members discharged with disability severance pay under section 1212 of this title.

“(B) Members transferred to the temporary disability retired list under section 1202 or 1205 of this title.

“(C) Members being evaluated for disability retirement under chapter 61 of this title.

“(D) Members who have been previously discharged with voluntary separation pay.

“(E) Members who are subject to pending disciplinary action or who are subject to administrative separation or mandatory discharge under any other provision of law or regulations.

“(3) The Secretary concerned shall determine each year the number of members to be separated, and provided separation pay and benefits, under this section during the fiscal year beginning in such year.

“(c) **SEPARATION.**—Each eligible member of the armed forces whose request for separation from active duty under subsection (b)(1)(E) is approved shall be separated from active duty.

“(d) **ADDITIONAL SERVICE IN READY RESERVE.**—Of the number of members of the armed forces to be separated from active duty in a fiscal year, as determined under subsection (b)(3), the Secretary concerned shall determine a number of such members, in such skill and grade combinations as the Secretary concerned shall designate, who shall serve in the Ready Reserve, after separation from active duty, for a period of not less than three years, as a condition of the receipt of voluntary separation pay and benefits under this section.

“(e) **SEPARATION PAY AND BENEFITS.**—(1) A member of the armed forces who is separated from active duty under subsection (c) shall be paid voluntary separation pay in accordance with subsection (g) in an amount determined by the Secretary concerned pursuant to subsection (f).

“(2) A member who is not entitled to retired or retainer pay upon separation shall be entitled to the benefits and services provided under—

“(A) chapter 58 of this title during the 180-day period beginning on the date the member is separated (notwithstanding any termination date for such benefits and services otherwise applicable under the provisions of such chapter); and

“(B) sections 404 and 406 of title 37.

“(f) **COMPUTATION OF VOLUNTARY SEPARATION PAY.**—The Secretary concerned shall specify the amount of voluntary separation pay that an individual or defined group of members of the armed forces may be paid under subsection (e)(1). No member may receive as voluntary separation pay an amount greater than three times the full amount of separation pay for a member of the same pay grade and years of service who is involuntarily separated under section 1174 of this title.

“(g) **PAYMENT OF VOLUNTARY SEPARATION PAY.**—(1) Voluntary separation pay under this section may be paid in a single lump sum.

“(2) In the case of a member of the armed forces who, at the time of separation under subsection (c), has completed at least 15 years, but less than 20 years, of active service, voluntary separation pay may be paid, at the election of the Secretary concerned, in—

“(A) a single lump sum;

“(B) installments over a period not to exceed 10 years; or

“(C) a combination of lump sum and such installments.

“(h) COORDINATION WITH RETIRED OR RETAINER PAY AND DISABILITY COMPENSATION.—(1) A member who is paid voluntary separation pay under this section and who later qualifies for retired or retainer pay under this title or title 14 shall have deducted from each payment of such retired or retainer pay an amount, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such retired or retainer pay is equal to the total amount of voluntary separation pay so paid.

“(2)(A) Except as provided in subparagraphs (B) and (C), a member who is paid voluntary separation pay under this section shall not be deprived, by reason of the member's receipt of such pay, of any disability compensation to which the member is entitled under the laws administered by the Secretary of Veterans Affairs, but there shall be deducted from such disability compensation an amount, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such disability compensation is equal to the total amount of voluntary separation pay so paid.

“(B) No deduction shall be made from the disability compensation paid to an eligible disabled uniformed services retiree under section 1413, or to an eligible combat-related disabled uniformed services retiree under section 1413a of this title, who is paid voluntary separation pay under this section.

“(C) No deduction may be made from the disability compensation paid to a member for the amount of voluntary separation pay received by the member because of an earlier discharge or release from a period of active duty if the disability which is the basis for that disability compensation was incurred or aggravated during a later period of active duty.

“(3) The requirement under this subsection to repay voluntary separation pay following retirement from the armed forces does not apply to a member who was eligible to retire at the time the member applied and was accepted for voluntary separation pay and benefits under this section.

“(4) The Secretary concerned may waive the requirement to repay voluntary separation pay under paragraphs (1) and (2) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

“(i) RETIREMENT DEFINED.—In this section, the term ‘retirement’ includes a transfer to the Fleet Reserve or Fleet Marine Corps Reserve.

“(j) REPAYMENT FOR MEMBERS WHO RETURN TO ACTIVE DUTY.—(1) Except as provided in paragraphs (2) and (3), a member of the armed forces who, after having received all or part of voluntary separation pay under this section, returns to active duty shall have deducted from each payment of basic pay, in such schedule of monthly installments as the Secretary concerned shall specify, until the total amount deducted from such basic pay equals the total amount of voluntary separation pay received.

“(2) Members who are involuntarily recalled to active duty or full-time National Guard duty in accordance with section 12301(a), 12301(b), 12301(g), 12302, 12303, or 12304 of this title or section 502(f)(1) of title 32 shall not be subject to this subsection.

“(3) Members who are recalled or perform active duty or full-time National Guard duty in accordance with section 101(d)(1), 101(d)(2), 101(d)(5), 12301(d) (insofar as the period served

is less than 180 consecutive days with the consent of the member), 12319, or 12503 of title 10, or section 114, 115, or 502(f)(2) of title 32 (insofar as the period served is less than 180 consecutive days with consent of the member), shall not be subject to this subsection.

“(4) The Secretary of Defense may waive, in whole or in part, repayment required under paragraph (1) if the Secretary determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States. The authority in this paragraph may be delegated only to the Undersecretary of Defense for Personnel and Readiness and the Principal Deputy Undersecretary of Defense for Personnel and Readiness.

“(k) TERMINATION OF AUTHORITY.—(1) The authority to separate a member of the armed forces from active duty under subsection (c) shall terminate on December 31, 2008.

“(2) A member who separates by the date specified in paragraph (1) may continue to be provided voluntary separation pay and benefits under this section until the member has received the entire amount of pay and benefits to which the member is entitled under this section.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 59 of such title is amended by inserting after the item relating to section 1175 the following new item:

“1175a. Voluntary separation pay and benefits.”.

(b) LIMITATION ON APPLICABILITY.—During the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the members of the Armed Forces who are eligible for separation, and for the provision of voluntary separation pay and benefits, under section 1175a of title 10, United States Code (as added by subsection (a)), shall be limited to officers of the Armed Forces who meet the eligibility requirements of section 1175a(b) of title 10, United States Code (as so added), but have not completed more than 12 years of active service as of the date of separation from active duty.

(c) OFFICER SELECTIVE EARLY RETIREMENT.—Section 638a(a) of title 10, United States Code, is amended by adding at the end the following new sentence: “During the period beginning on October 1, 2005, and ending on December 31, 2011, the Secretary of Defense may also authorize the Secretary of the Navy and the Secretary of the Air Force to take any of the actions set forth in such subsection with respect to officers of the armed forces under the jurisdiction of such Secretary.”.

SA 2467. Mr. WARNER (for Mr. DODD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. ____ REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.

(a) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2),

for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

(2) COVERED PERSONS AND ENTITIES.—A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(3) REGULATIONS NOT REQUIRED FOR REIMBURSEMENT.—Reimbursements may be made under this subsection in advance of the promulgation by the Secretary of Defense of regulations, if any, relating to the administration of this section.

(b) PROTECTIVE EQUIPMENT REIMBURSEMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established an account to be known as the “Protective Equipment Reimbursement Fund” (in this subsection referred to as the “Fund”).

(2) ELEMENTS.—The Fund shall consist of amounts deposited in the Fund from amounts available for the Fund under subsection (g).

(3) AVAILABILITY.—Amounts in the Fund shall be available directly to the unit commanders of members of the Armed Forces for the making of reimbursements for protective, safety, and health equipment under subsection (a).

(4) DOCUMENTATION.—Each person seeking reimbursement under subsection (a) for protective, safety, or health equipment purchased by or on behalf of a member of the Armed Forces shall submit to the unit commander of such member such documentation as is necessary to establish each of the following:

(A) The nature of such equipment, including whether or not such equipment qualifies as protective, safety, or health equipment under subsection (c).

(B) The cost of such equipment.

(c) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—Protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army, or equivalent programs of the other Armed Forces, such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, a gun scope, and a soldier intercommunication device.

(d) LIMITATION REGARDING AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided under subsection (a) per item of protective, safety, and health equipment purchased by or on behalf of any given member of the Armed Forces may not exceed the lesser of—

(1) the cost of such equipment (including shipping cost); or

(2) \$1,100.

(e) LIMITATION ON DATE OF PURCHASE.—Reimbursement may be made under subsection (a) only for protective, safety, and health equipment purchased before October 1, 2006.

(f) OWNERSHIP OF EQUIPMENT.—The Secretary shall identify the circumstances, if any, under which the United States shall assume title or ownership of protective, safety, or health equipment for which reimbursement is provided under subsection (a).

(g) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts for reimbursements under subsection (a) shall be derived from any amounts authorized to be appropriated by this Act.

(2) EXCEPTION.—Amounts authorized to be appropriated by this Act and available for the procurement of equipment for members of the Armed Forces deployed, or to be deployed, to Iraq or Afghanistan may not be utilized for reimbursements under subsection (a).

(h) REPEAL OF SUPERSEDED AUTHORITY.—Section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1857) is repealed.

SA 2468. Mr. WARNER (for Mrs. DOLE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle H of title V, add the following:

SEC. 596. REPORT ON PREDATORY LENDING PRACTICES DIRECTED AT MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

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

(1) Predatory lending practices harm members of the Armed Forces and are an increasing problem for the Armed Forces.

(2) Predatory lending practices not only hurt the financial security of the members of the Armed Forces but, according to the Under Secretary of Defense for Personnel and Readiness, also threaten the operational readiness of the Armed Forces.

(3) The General Accountability Office found in an April 2005 report that the Department of Defense was not fully utilizing tools available to the Department to curb the predatory lending practices directed at members of the Armed Forces.

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

(1) The Department of Defense should work with financial service regulators to protect the members of the Armed Forces from predatory lending practices; and

(2) the Senate should consider and adopt legislation—

(A) to strengthen disclosure, education, and other protections for members of the Armed Forces regarding predatory lending practices; and

(B) to ensure greater cooperation between financial services regulators and the Department of Defense on the protection of members of the Armed Forces from predatory lending practices.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of the Treasury, the Chairman of the Federal Reserve, the Chairman of the Federal Deposit Insurance Corporation, and representatives of military charity organizations and consumer organizations, submit to the appropriate committees of Congress a report on predatory lending practices directed at members of the Armed Forces and their families.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of the prevalence of predatory lending practices directed at members of the Armed Forces and their families;

(B) an assessment of the effects of predatory lending practices on members of the Armed Forces and their families;

(C) a description of the strategy of the Department of Defense, and of any current or planned programs of the Department, to educate members of the Armed Forces and their families regarding predatory lending practices;

(D) a description of the strategy of the Department of Defense, and of any current or planned programs of the Department, to reduce or eliminate—

(i) the prevalence of predatory lending practices directed at members of the Armed Forces and their families; and

(ii) the negative effect of such practices on members of the Armed Forces and their families; and

(E) recommendations for additional legislative and administrative action to reduce or eliminate predatory lending practices directed at members of the Armed Forces and their families.

(3) DEFINITIONS.—In this subsection:

(A) The term “appropriate committees of Congress” means—

(i) the Committees on Armed Services and Banking, Housing, and Urban Affairs of the Senate; and

(ii) the Committees on Armed Services and Financial Services of the House of Representatives.

(B) The term “predatory lending practice” means an unfair or abusive loan or credit sale transition or collection practice.

SA 2469. Mr. WARNER (for Mr. CARPER) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 337, between lines 4 and 5, insert the following:

SEC. 2602. CONSTRUCTION OF MAINTENANCE HANGAR, NEW CASTLE COUNTY AIRPORT AIR GUARD BASE, DELAWARE.

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States is hereby increased by \$1,440,000.

(b) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2601(3)(A) for the Department of the Air Force for the Air National Guard of the United States, as increased by subsection (a), \$1,440,000 is available for planning and design for a replacement C-130 aircraft maintenance hangar at Air National Guard New Castle County Airport, Delaware.

(c) OFFSET.—The amount authorized to be appropriated by section 2204(a) for military construction, land acquisition, and military family housing functions of the Department of the Navy and the amount of such funds authorized by paragraph (1) of such subsection for the construction of increment 3 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, are each hereby decreased by \$1,440,000.

SA 2470. Mr. WARNER (for Mr. SANTORUM) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel

strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle F of title V, add the following:

SEC. ____ SENSE OF SENATE ON NOTICE TO CONGRESS OF RECOGNITION OF MEMBERS OF THE ARMED FORCES FOR EXTRAORDINARY ACTS OF BRAVERY, HEROISM, AND ACHIEVEMENT.

It is the sense of the Senate that the Secretary of Defense or the Secretary of the military department concerned should, upon awarding a medal to a member of the Armed Forces or otherwise commending or recognizing a member of the Armed Forces for an act of extraordinary heroism, bravery, achievement, or other distinction, notify the Committees on Armed Services of the Senate and the House of Representatives, the Senators from the State in which such member resides, and the Member of the House of Representatives from the district in which such member resides of such extraordinary award, commendation, or recognition.

SA 2471. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of division A, add the following:

TITLE XV—TRANSITION SERVICES

SEC. 1501. SHORT TITLE.

This title may be cited as the “Veterans’ Enhanced Transition Services Act of 2005”.

SEC. 1502. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) PRESEPARATION COUNSELING.—Section 1142 of title 10, United States Code, is amended—

(1) in subsection (a)—

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

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

“(4) For members of the reserve components of the armed forces (including members of the National Guard on active duty under title 32) who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall provide preseparation counseling under this section on an individual basis to all such members before such members are separated.”; and

(2) in subsection (b)—

(A) in paragraph (4), by striking “(4) Information concerning” and inserting the following:

“(4) Provision of information on civilian occupations and related assistance programs, including information concerning—

“(A) certification and licensure requirements that are applicable to civilian occupations;

“(B) civilian occupations that correspond to military occupational specialties; and

“(C)”;

(B) by adding at the end the following:

“(11) Information concerning the priority of service for veterans in the receipt of employment, training, and placement services provided under qualified job training programs of the Department of Labor.

“(12) Information concerning veterans small business ownership and entrepreneurship programs of the Small Business Administration and the National Veterans Business Development Corporation.

“(13) Information concerning employment and reemployment rights and obligations under chapter 43 of title 38.

“(14) Information concerning veterans preference in federal employment and federal procurement opportunities.

“(15) Contact information for housing counseling assistance.

“(16) A description, developed in consultation with the Secretary of Veterans Affairs, of health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 1142. Members separating from active duty: preseparation counseling”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by striking the item relating to section 1142 and inserting the following:

“1142. Members separating from active duty: preseparation counseling.”.

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking “paragraph (4)(A)” in the second sentence and inserting “paragraph (5)(A)”; and

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

“(e) TRAINING SUPPORT MATERIALS.—The Secretary concerned shall, on a continuing basis and in cooperation with the Secretary of Labor, update the content of all materials used by the Department of Labor that provide direct training support to personnel who provide transitional services counseling under this section.”.

SEC. 1503. FOLLOW UP ASSISTANCE FOR MEMBERS OF THE ARMED FORCES AFTER PRESEPARATION PHYSICAL EXAMINATIONS.

Section 1145(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, ensure that appropriate actions are taken to assist a member of the armed forces who, as a result of a medical examination under paragraph (4), receives an indication for a referral for follow up treatment from the health care provider who performs the examination.

“(B) Assistance provided to a member under paragraph (1) shall include the following:

“(i) Information regarding, and any appropriate referral for, the care, treatment, and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide to such member under any other provision of law, including—

“(I) clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions; and

“(II) any other care, treatment, and services.

“(ii) Information on the private sector sources of treatment that are available to the member in the member’s community.

“(iii) Assistance to enroll in the health care system of the Department of Veterans Affairs for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.”.

SEC. 1504. REPORT ON TRANSITION ASSISTANCE PROGRAMS.

(a) REPORT REQUIRED.—Not later than May 1, 2006, the Secretary of Defense shall, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, submit to Congress a report on the actions

taken to ensure that the Transition Assistance Programs for members of the Armed Forces separating from the Armed Forces (including members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces) function effectively to provide such members with timely and comprehensive transition assistance when separating from the Armed Forces.

(b) FOCUS ON PARTICULAR MEMBERS.—The report required by subsection (a) shall include particular attention to the actions taken with respect to the Transition Assistance Programs to assist the following members of the Armed Forces:

(1) Members deployed to Operation Iraqi Freedom.

(2) Members deployed to Operation Enduring Freedom.

(3) Members deployed to or in support of other contingency operations.

(4) Members of the National Guard activated under the provisions of title 32, United States Code, in support of relief efforts for Hurricane Katrina and Hurricane Rita.

SA 2472. Mr. VOINOVICH (for Mr. ENZI) proposed an amendment to the bill H.R. 797, to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians; as follows:

On page 3, line 9, strike “and”.
Beginning on page 3, strike lines 19 through 24 and insert the following: of 1968 (42 U.S.C. 3601 et seq.); and

(E) federally recognized Indian tribes exercising powers of self-government are governed by the Indian Civil Rights Act (25 U.S.C. 1301 et seq.); and

Beginning on page 4, strike line 15 and all that follows through page 5, line 6, and insert the following:

“SEC. 544. INDIAN TRIBES.

“Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) shall not apply to actions by federally recognized Indian tribes (including instrumentalities of such Indian tribes) under this Act.”.

On page 5, after line 23, add the following:

SEC. 6. YOUTHBUILD ELIGIBILITY.

Section 460 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899h-1) is amended by striking “for fiscal year 1998 and fiscal years thereafter” and inserting “for fiscal years 1998 through 2005”.

SA 2473. Mr. DURBIN (for himself, Mr. CORZINE, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ ELIGIBILITY FOR RETIRED PAY FOR NON-REGULAR SERVICE.

(a) AGE AND SERVICE REQUIREMENTS.—Subsection (a) of section 12731 of title 10, United States Code, is amended to read as follows:

“(a)(1) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person—

“(A) satisfies one of the combinations of requirements for minimum age and minimum number of years of service (computed under section 12732 of this title) that are specified in the table in paragraph (2);

“(B) performed the last six years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except that in the case of a person who completed 20 years of service computed under section 12732 of this title before October 5, 1994, the number of years of qualifying service under this subparagraph shall be eight; and

“(C) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

“(2) The combinations of minimum age and minimum years of service required of a person under subparagraph (A) of paragraph (1) for entitlement to retired pay as provided in such paragraph are as follows:

“Age, in years, is at least:	The minimum years of service required for that age is:
55	25
56	24
57	23
58	22
59	21
60	20.”.

(b) 20-YEAR LETTER.—Subsection (d) of such section is amended by striking “the years of service required for eligibility for retired pay under this chapter” in the first sentence and inserting “20 years of service computed under section 12732 of this title.”.

(c) EFFECTIVE DATE.—This section and the amendments made by this subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply with respect to retired pay payable for that month and subsequent months.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 8, 2005, at 9:30 a.m. to hold a hearing on Kosovo—A Way Forward.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 8, 2005, at 2:30 p.m. to hold a hearing on Nominations.

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

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on “Saudia Arabia: Friend or Foe in the War on Terror?” on Tuesday, November 8, 2005 at 9:30 a.m. in the Dirksen Senate Office Building, Room 226.