

the international community on, the future of Internet governance; and

(B) advance the values of an open Internet in the broader trade and diplomatic conversations of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2525. Mr. WARNER (for Mr. SMITH) 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.

SA 2526. Mr. WARNER (for Mrs. HUTCHISON (for herself and Mr. NELSON of Florida)) proposed an amendment to the bill S. 1042, supra.

SA 2527. Mr. WARNER (for Mr. ENSIGN) proposed an amendment to the bill S. 1042, supra.

SA 2528. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2529. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2530. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2531. Mr. WARNER (for Ms. SNOWE (for herself and Mr. KERRY)) proposed an amendment to the bill S. 1042, supra.

SA 2532. Mr. WARNER (for Mr. KERRY) proposed an amendment to the bill S. 1042, supra.

SA 2533. Mr. WARNER (for Mr. LAUTENBERG) proposed an amendment to the bill S. 1042, supra.

SA 2534. Mr. WARNER (for Mr. KENNEDY (for himself and Mr. CHAMBLISS)) proposed an amendment to the bill S. 1042, supra.

SA 2535. Mr. WARNER (for Mr. INHOFE) proposed an amendment to the bill S. 1042, supra.

SA 2536. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 2537. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2538. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2539. Mr. WARNER (for Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, supra.

SA 2540. Mr. WARNER (for Mr. ISAKSON) proposed an amendment to the bill S. 1042, supra.

SA 2541. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2542. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill S. 1042, supra.

SA 2543. Mr. WARNER (for Mr. ALLEN (for himself, Mr. DEWINE, and Mr. WARNER)) proposed an amendment to the bill S. 1042, supra.

SA 2544. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2545. Mr. WARNER (for himself, Mr. LEVIN, and Mr. BINGAMAN) proposed an amendment to the bill S. 1042, supra.

SA 2546. Mr. WARNER (for Mr. DAYTON (for himself, Mrs. MURRAY, and Ms. COLLINS)) proposed an amendment to the bill S. 1042, supra.

SA 2547. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, supra.

SA 2548. Mr. WARNER (for Mr. REID) proposed an amendment to the bill S. 1042, supra.

SA 2549. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2550. Mr. WARNER (for Mr. LOTT (for himself and Mr. CORNYN)) proposed an amendment to the bill S. 1042, supra.

SA 2551. Mr. WARNER (for Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 2552. Mr. WARNER (for Mr. KENNEDY (for himself and Mrs. FEINSTEIN)) proposed an amendment to the bill S. 1042, supra.

SA 2553. Mr. WARNER (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill S. 1042, supra.

SA 2554. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2555. Mr. WARNER (for Mr. HAGEL) proposed an amendment to the bill S. 1042, supra.

SA 2556. Mr. WARNER (for Mr. NELSON of Florida) proposed an amendment to the bill S. 1042, supra.

SA 2557. Mr. WARNER (for Mr. GRAHAM) proposed an amendment to the bill S. 1042, supra.

SA 2558. Mr. WARNER (for Mr. SALAZAR) proposed an amendment to the bill S. 1042, supra.

SA 2559. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2560. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, supra.

SA 2561. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, supra.

SA 2562. Mr. WARNER (for Mr. CRAIG (for himself, Mr. ROBERTS, Mr. BROWNBACK, Ms. MIKULSKI, Mr. WARNER, and Mr. SALAZAR)) proposed an amendment to the bill S. 1042, supra.

SA 2563. Mr. WARNER (for Mr. FEINGOLD) proposed an amendment to the bill S. 1042, supra.

SA 2564. Mr. WARNER (for Mr. MARTINEZ (for himself and Mr. WARNER)) proposed an amendment to the bill S. 1042, supra.

SA 2565. Mr. WARNER (for Mr. MCCAIN) proposed an amendment to the bill S. 1042, supra.

SA 2566. Mr. WARNER (for Mr. McCONNELL) proposed an amendment to the bill S. 1042, supra.

SA 2567. Mr. WARNER (for Mr. McCONNELL) proposed an amendment to the bill S. 1042, supra.

SA 2568. Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1042, supra.

SA 2569. Mr. WARNER (for Mr. SALAZAR) proposed an amendment to the bill S. 1042, supra.

SA 2570. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2571. Mr. WARNER (for Ms. COLLINS (for herself and Ms. SNOWE)) proposed an amendment to the bill S. 1042, supra.

SA 2572. Mr. WARNER (for Mr. DURBIN (for himself, Mr. VITTER, Mr. WYDEN, Mr. DAYTON, Ms. LANDRIEU, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. SCHUMER)) proposed an amendment to the bill S. 1042, supra.

SA 2573. Mr. WARNER (for Mr. DEWINE) proposed an amendment to the bill S. 1042, supra.

SA 2574. Mr. WARNER (for Ms. SNOWE) proposed an amendment to the bill S. 1042, supra.

SA 2575. Mr. WARNER (for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1042, supra.

SA 2576. Mr. WARNER (for Mr. BYRD) proposed an amendment to the bill S. 1042, supra.

SA 2577. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2578. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 2579. Mr. WARNER (for Mr. BAYH) proposed an amendment to the bill S. 1042, supra.

SA 2580. Mr. SANTORUM (for Mr. FRIST) proposed an amendment to the bill H.R. 1499, To amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income.

TEXT OF AMENDMENTS

SA 2525. Mr. WARNER (for Mr. SMITH) 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. TEMPORARY INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF SPECIALTY METALS USED TO PRODUCE FORCE PROTECTION EQUIPMENT.

(a) **IN GENERAL.**—Section 2533a(a) of title 10, United States Code, shall not apply to the procurement, during the 2-year period beginning on the date of the enactment of this Act, of specialty metals if such specialty metals are used to produce force protection equipment needed to prevent combat fatalities in Iraq or Afghanistan.

(b) **TREATMENT OF PROCUREMENTS WITHIN PERIOD.**—For the purposes of subsection (a), a procurement shall be treated as being made during the 2-year period described in that subsection to the extent that funds are obligated by the Department of Defense for that procurement during that period.

SA 2526. Mr. WARNER (for Mrs. HUTCHISON (for herself 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 appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING MANNED SPACE FLIGHT.

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

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

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

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

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

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

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

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

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

SA 2527. Mr. WARNER (for Mr. EN-SIGN) 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. ANNUAL REPORT ON COSTS TO CARRY OUT UNITED NATIONS RESOLUTIONS.

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

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

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

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

SA 2528. 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 237, after line 17, insert the following:

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

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

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

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

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

“(i) initiate an adjustment to the size standards, as described in subparagraph (A), if the Administrator determines that such an adjustment would be fair and appropriate; or

“(ii) provide a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives explaining in detail the basis for the determination by the Administrator that such an adjustment would not be fair and appropriate.

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

“(i) Iraq,

“(ii) Afghanistan, and

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

SA 2529. 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 237, after line 17, insert the following:

SEC. 846. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.

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

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

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

“(B) AUTHORIZATION TO USE CONTRACTING MECHANISMS.—Federal agencies are author-

ized to use any of the contracting mechanisms authorized in this Act for the purpose of complying with the Congressional policy set forth in subparagraph (A).

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

SA 2530. 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 237, after line 17, insert the following:

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

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

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

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

“(B) AUTHORIZATION FOR LIMITED COMPETITION.—The head of a contracting agency may include in any contract entered under section 2304a(d)(1)(B) or 2304b(e) of title 10, United States Code, a clause setting aside a specific share of awards under such contract pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

“(C) REPORT REQUIREMENT.—

“(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall submit a report on the level of participation of small business concerns in multiple-award contracts, including Federal Supply Schedule contracts, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

“(ii) CONTENTS.—The report required by clause (i) shall include, for the most recent 2-year period for which data are available—

“(I) the total number of multiple-award contracts;

“(II) the total number of small business concerns that received multiple-award contracts;

“(III) the total number of orders under multiple-award contracts;

“(IV) the total value of orders under multiple-award contracts;

“(V) the number of orders received by small business concerns under multiple-award contracts;

“(VI) the value of orders received by small business concerns under multiple-award contracts;

“(VII) the number of small business concerns that received orders under multiple-award contracts; and

“(VIII) such other information as may be relevant.”.

SA 2531. Mr. WARNER (for Ms. SNOWE (for herself and Mr. KERRY)) 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 218, strike line 1 and all that follows through page 220, line 5, and insert the following:

SEC. 814. RESEARCH AND DEVELOPMENT EFFORTS FOR PURPOSES OF SMALL BUSINESS RESEARCH.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(X) RESEARCH AND DEVELOPMENT FOCUS.—

“(1) REVISION AND UPDATE OF CRITERIA AND PROCEDURES OF IDENTIFICATION.—In carrying out subsection (g), the Secretary of Defense shall, not less often than once every 4 years, revise and update the criteria and procedures utilized to identify areas of the research and development efforts of the Department of Defense which are suitable for the provision of funds under the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

“(2) UTILIZATION OF PLANS.—The criteria and procedures described in paragraph (1) shall be developed through the use of the most current versions of the following plans:

“(A) The joint warfighting science and technology plan required under section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note).

“(B) The Defense Technology Area Plan of the Department of Defense.

“(C) The Basic Research Plan of the Department of Defense.

“(3) INPUT IN IDENTIFICATION OF AREAS OF EFFORT.—The criteria and procedures described in paragraph (1) shall include input in the identification of areas of research and development efforts described in that paragraph from Department of Defense program managers (PMs) and program executive officers (PEOs).

“(y) COMMERCIALIZATION PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary of Defense and the Secretary of each military department is authorized to create and administer a ‘Commercialization Pilot Program’ to accelerate the transition of technologies, products, and services developed under the Small Business Innovation Research Program to Phase III, including the acquisition process.

“(2) IDENTIFICATION OF RESEARCH PROGRAMS FOR ACCELERATED TRANSITION TO ACQUISITION PROCESS.—In carrying out the Commercialization Pilot Program, the Secretary of Defense and the Secretary of each military department shall identify research programs of the Small Business Innovation Research Program that have the potential for rapid transitioning to Phase III and into the acquisition process.

“(3) LIMITATION.—No research program may be identified under paragraph (2), unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.

“(4) FUNDING.—For payment of expenses incurred to administer the Commercialization Pilot Program under this subsection, the Secretary of Defense and each Secretary of a

military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program. Such funds—

“(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

“(B) shall not be used to make Phase III awards.

“(5) EVALUATIVE REPORT.—At the end of each fiscal year, the Secretary of Defense and each Secretary of a military department shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an evaluative report regarding activities under the Commercialization Pilot Program. The report shall include—

“(A) an accounting of the funds used in the Commercialization Pilot Program;

“(B) a detailed description of the Commercialization Pilot Program, including incentives and activities undertaken by acquisition program managers, program executive officers, and by prime contractors; and

“(C) a detailed compilation of results achieved by the Commercialization Pilot Program, including the number of small business concerns assisted and a number of inventions commercialized.

“(6) SUNSET.—The pilot program under this subsection shall terminate at the end of fiscal year 2009.”.

(b) IMPLEMENTATION OF EXECUTIVE ORDER 13329.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) to provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).”;

(2) in subsection (g)—

(A) in paragraph (9), by striking “and” at the end;

(B) in paragraph (10), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(11) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).”;

(3) in subsection (o)—

(A) in paragraph (14), by striking “and” at the end;

(B) in paragraph (15), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(16) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).”.

(c) TESTING AND EVALUATION AUTHORITY.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(9) the term ‘commercial applications’ shall not be construed to exclude testing and evaluation of products, services, or technologies for use in technical or weapons systems, and further, awards for testing and evaluation of products, services, or technologies for use in technical or weapons systems may be made in either the second or the third phase of the Small Business Innovation Research Program and of the Small Business Technology Transfer Program, as defined in this subsection.”.

SA 2532. Mr. WARNER (for Mr. KERRY) 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 237, after line 17, insert the following:

SEC. 846. DISASTER RELIEF FOR SMALL BUSINESS CONCERN DAMAGED BY DROUGHT.

(a) DROUGHT DISASTER AUTHORITY.—

(1) DEFINITION OF DISASTER.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(A) by inserting “(1)” after “(k)”; and

(B) by adding at the end the following:

“(2) For purposes of section 7(b)(2), the term ‘disaster’ includes—

“(A) drought; and

“(B) below average water levels in the Great Lakes, or on any body of water in the United States that supports commerce by small business concerns.”.

(2) DROUGHT DISASTER RELIEF AUTHORITY.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(A) by inserting “(including drought), with respect to both farm-related and nonfarm-related small business concerns,” before “if the Administration”; and

(B) in subparagraph (B), by striking “the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)” and inserting the following: “section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), in which case, assistance under this paragraph may be provided to farm-related and nonfarm-related small business concerns, subject to the other applicable requirements of this paragraph”.

(b) LIMITATION ON LOANS.—From funds otherwise appropriated for loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than \$9,000,000 may be used during each of fiscal years 2005 through 2008, to provide drought disaster loans to nonfarm-related small business concerns in accordance with this section and the amendments made by this section.

(c) PROMPT RESPONSE TO DISASTER REQUESTS.—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is amended by striking “Upon receipt of such certification, the Administration may” and inserting “Not later than 30 days after the date of receipt of such certification by a Governor of a State, the Administration shall respond in writing to that Governor on its determination and the reasons therefore, and may”.

(d) RULEMAKING.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate final rules to carry out this section and the amendments made by this section.

SA 2533. Mr. WARNER (for Mr. LAUTENBERG) 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 appropriate place in title VIII, insert the following:

SEC. _____. ENSURING TRANSPARENCY IN FEDERAL CONTRACTING.

(a) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR PENALTIES AND VIOLATIONS.—(1) The Secretary of Defense shall maintain a publicly-available website that provides information on instances in which major contractors have been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against them in connection with allegations of improper conduct. The website shall be updated not less than once a year.

(2) For the purposes of this subsection, a major contractor is a contractor that receives at least \$100,000,000 in Federal contracts in the most recent fiscal year for which data are available.

(b) REPORT ON FEDERAL SOLE SOURCE CONTRACTS RELATED TO IRAQ RECONSTRUCTION.

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to Congress a report on all sole source contracts in excess of \$2,000,000 entered into by executive agencies in connection with Iraq reconstruction from January 1, 2003, through the date of the enactment of this Act.

(2) CONTENT.—The report submitted under paragraph (1) shall include the following information with respect to each such contract:

- (A) The date the contract was awarded.
- (B) The contract number.
- (C) The name of the contractor.
- (D) The amount awarded.
- (E) A brief description of the work to be performed under the contract.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term “executive agency” has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 2534. Mr. WARNER (for Mr. KENNEDY (for himself 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 213, between lines 2 and 3, insert the following:

SEC. 807. PUBLIC-PRIVATE COMPETITION FOR WORK PERFORMED BY CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION.—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

“(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

“(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A-76, as implemented on May 29, 2003; and

“(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the

cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of \$10,000,000 or 10 percent of the most efficient organization’s personnel-related costs for performance of that activity or function by Federal employees.

“(B) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A-76.

“(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A-76.

“(D) The Secretary of Defense may waive the requirement for a public-private competition under subparagraph (A) in specific instances if—

“(i) the written waiver is prepared by the Secretary of Defense or the relevant Assistant Secretary of Defense, Secretary of a military department, or head of a Defense Agency;

“(ii) the written waiver is accompanied by a detailed determination that national security interests preclude compliance with the requirement for a public-private competition; and

“(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is granted, although use of the waiver need not be delayed until its publication.”.

(b) INAPPLICABILITY TO BEST-VALUE SOURCE SELECTION PILOT PROGRAM.—Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1444; 10 U.S.C. 2461 note).

(c) REPEAL OF SUPERSEDED LAW.—Section 327 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 10 U.S.C. 2461 note) is repealed.

SEC. 808. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.**(a) GUIDELINES.**

(1) IN GENERAL.—The Secretary of Defense shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) were not awarded on a competitive basis; or

(D) have been determined by a contracting officer to be poorly performed due to excessive costs or inferior quality.

(b) NEW REQUIREMENTS.

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required under Office of Management and Budget Circular A-76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences, the performance by Federal Government employees of work pursuant to subsection (a) commences, or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A-76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary shall include the use of the flexible hiring authority available through the National Security Personnel System in order to facilitate performance by Federal Government employees of new requirements and work that is performed under Department of Defense contracts.

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term “National Security Personnel System” means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term “inherently governmental function” has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105-270; 112 Stat. 2384; 31 U.S.C. 501 note).

SA 2535. Mr. WARNER (for Mr. INHOFE) 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 appropriate place, insert the following:

SEC. _____. THE UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) FINDINGS.—Congress finds the following:

(1) The 2004 Report to Congress of the United States-China Economic and Security Review Commission states that—

(A) China’s State-Owned Enterprises (SOEs) lack adequate disclosure standards, which creates the potential for United States investors to unwittingly contribute to enterprises that are involved in activities harmful to United States security interests;

(B) United States influence and vital long-term interests in Asia are being challenged

by China's robust regional economic engagement and diplomacy;

(C) the assistance of China and North Korea to global ballistic missile proliferation is extensive and ongoing;

(D) China's transfers of technology and components for weapons of mass destruction (WMD) and their delivery systems to countries of concern, including countries that support acts of international terrorism, has helped create a new tier of countries with the capability to produce WMD and ballistic missiles;

(E) the removal of the European Union arms embargo against China that is currently under consideration in the European Union would accelerate weapons modernization and dramatically enhance Chinese military capabilities;

(F) China is developing a leading-edge military with the objective of intimidating Taiwan and deterring United States involvement in the Strait, and China's qualitative and quantitative military advancements have already resulted in a dramatic shift in the cross-Strait military balance toward China; and

(G) China's growing energy needs are driving China into bilateral arrangements that undermine multilateral efforts to stabilize oil supplies and prices, and in some cases may involve dangerous weapons transfers.

(2) On March 14, 2005, the National People's Congress approved a law that would authorize the use of force if Taiwan formally declares independence.

(b) SENSE OF CONGRESS.

(1) PLAN.—It is the sense of Congress that the President should take immediate steps to establish a coherent and comprehensive plan to address the emergence of China economically, diplomatically, and militarily, to promote mutually beneficial trade relations with China, and to encourage China's adherence to international norms in the areas of trade, international security, and human rights.

(2) CONTENTS.—The plan should contain the following:

(A) Actions to address China's policy of undervaluing its currency, including—

(i) encouraging China to continue to upwardly revalue the Chinese yuan against the United States dollar;

(ii) allowing the yuan to float against a trade-weighted basket of currencies; and

(iii) concurrently encouraging United States trading partners with similar interests to join in these efforts.

(B) Actions to make better use of the World Trade Organization (WTO) dispute settlement mechanism and applicable United States trade laws to redress China's trade practices, including exchange rate manipulation, denial of trading and distribution rights, insufficient intellectual property rights protection, objectionable labor standards, subsidization of exports, and forced technology transfers as a condition of doing business. The United States Trade Representative should consult with our trading partners regarding any trade dispute with China.

(C) Actions to encourage United States diplomatic efforts to identify and pursue initiatives to revitalize United States engagement in East Asia. The initiatives should have a regional focus and complement bilateral efforts. The Asia-Pacific Economic Cooperation forum (APEC) offers a ready mechanism for pursuit of such initiatives.

(D) Actions by the administration to work with China to prevent proliferation of prohibited technologies and to secure China's agreement to renew efforts to curtail North Korea's commercial export of ballistic missiles.

(E) Actions by the Secretaries of State and Energy to consult with the International Energy Agency with the objective of upgrading the current loose experience-sharing arrangement whereby China engages in some limited exchanges with the organization, to a more structured arrangement.

(F) Actions by the administration to develop a coordinated, comprehensive national policy and strategy designed to maintain United States scientific and technological leadership and competitiveness, in light of the rise of China and the challenges of globalization.

(G) Actions to review laws and regulations governing the Committee on Foreign Investment in the United States (CFIUS), including exploring whether the definition of national security should include the potential impact on national economic security as a criterion to be reviewed, and whether the chairmanship of CFIUS should be transferred from the Secretary of the Treasury to a more appropriate executive branch agency.

(H) Actions by the President and the Secretaries of State and Defense to press strongly their European Union counterparts to maintain the EU arms embargo on China.

(I) Actions by the administration to discourage foreign defense contractors from selling sensitive military use technology or weapons systems to China. The administration should provide a comprehensive annual report to the appropriate committees of Congress on the nature and scope of foreign military sales to China, particularly sales by Russia and Israel.

SA 2536. Mr. WARNER (for Mr. LEVIN) 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 E of title II, add the following:

SEC. ____ REPORT ON DEVELOPMENT AND USE OF ROBOTICS AND UNMANNED GROUND VEHICLE SYSTEMS.

(a) REPORT REQUIRED.—Not later than nine months after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the development and utilization of robotics and unmanned ground vehicle systems by the Department of Defense.

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

(1) A description of the utilization of robotics and unmanned ground vehicle systems in current military operations.

(2) A description of the manner in which the development of robotics and unmanned ground vehicle systems capabilities supports current major acquisition programs of the Department of Defense.

(3) A detailed description, including budget estimates, of all Department programs and activities on robotics and unmanned ground vehicle systems for fiscal years 2004 through 2012, including programs and activities relating to research, development, test and evaluation, procurement, and operation and maintenance.

(4) A description of the long-term research and development strategy of the Department on technology for the development and integration of new robotics and unmanned ground vehicle systems capabilities in support of Department missions.

(5) A description of any planned demonstration or experimentation activities of

the Department that will support the development and deployment of robotics and unmanned ground vehicle systems by the Department.

(6) A statement of the Department organizations currently participating in the development of new robotics or unmanned ground vehicle systems capabilities, including the specific missions of each such organization in such efforts.

(7) A description of the activities of the Department to collaborate with industry, academia, and other Government and non-government organizations in the development of new capabilities in robotics and unmanned ground vehicle systems.

(8) An assessment of the short-term and long-term ability of the industrial base of the United States to support the production of robotics and unmanned ground vehicle systems to meet Department requirements.

(9) An assessment of the progress being made to achieve the goal established by section 220(a)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-38) that, by 2015, one-third of operational ground combat vehicles be unmanned.

(10) An assessment of international research, technology, and military capabilities in robotics and unmanned ground vehicle systems.

SA 2537. 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. ____ MODIFICATION AND EXTENSION OF PILOT PROGRAM ON SHARE-IN-SAVINGS CONTRACTS.

(a) INCLUSION OF INFORMATION TECHNOLOGY IMPROVEMENTS IN SHARE-IN-SAVINGS.—Paragraph (1) of subsection (a) of section 2332 of title 10, United States Code, is amended by adding at the end the following new sentence: “Each such contract shall provide that the contractor shall incur the cost of implementing information technology improvements, including costs incurred in acquiring, installing, maintaining, and upgrading information technology equipment and training personnel in the use of such equipment, in exchange for a share of any savings directly resulting from the implementation of such improvements during the term of the contract.”

(b) CONTRACT PERFORMANCE EVALUATION.—Such subsection is further amended—

(1) in paragraph (3), by striking “, to the maximum extent practicable,”;

(2) by striking paragraph (4);

(3) by redesignating paragraph (5) as paragraph (7); and

(4) inserting after paragraph (3) the following new paragraphs:

“(4) The head of an agency that enters into contracts pursuant to the authority of this section shall establish a panel of employees of such agency, independent of any program office or contracting office responsible for awarding and administering such contracts, for the purpose of verifying performance baselines and methodologies for calculating savings resulting from the implementation of information technology improvements under such contracts. Employees assigned to any such panel shall have experience and expertise appropriate for the duties of such panel.”

“(5) Each contract awarded pursuant to the authority of this section shall include a provision containing a quantifiable baseline of current and projected costs, a methodology for calculating actual costs during the period of performance, and a savings share ratio governing the amount of payments the contractor is to receive under such contract that are certified by a panel established pursuant to paragraph (4) to be financially sound and based on the best available information.

“(6) Each contract awarded pursuant to the authority of this section shall—

“(A) provide that aggregate payments to the contractor may not exceed the amount the agency would have paid, in accordance with the baseline of current and projected costs incorporated in such contract, during the period covered by such contract; and

“(B) require an independent annual audit of actual costs in accordance with the methodology established under paragraph (5)(B), which shall serve as a basis for annual payments based on savings share ratio established in such contract.”.

(c) EXTENSION OF PILOT PROGRAM.—Such section is further amended—

(1) in subsection (b)(3)(B), by striking “fiscal years 2003, 2004, and 2005” and inserting “fiscal years 2003 through 2007”; and

(2) in subsection (d), by striking “September 30, 2005” and inserting “September 30, 2007”.

(d) REPORTS TO CONGRESS.—

(1) SECRETARY OF DEFENSE REPORTS.—Not later than March 31, 2006, and each year thereafter until the year after the termination of the pilot program under section 2332 of title 10, United States Code (as amended by subsection (a)), the Secretary of Defense shall submit to Congress a report containing a list of each contract entered into by each Federal agency under such section during the preceding year that contains terms providing for the contractor to implement information technology improvements in exchange for a share of the savings derived from the implementation of such improvements. The report shall set forth, for each contract listed—

(A) the information technology performance acquired by reason of the improvements concerned;

(B) the total amount of payments made to the contractor during the year covered by the report; and

(C) the total amount of savings or other measurable benefits realized by the Federal agency during such year as a result of such improvements.

(2) COMPTROLLER GENERAL REPORTS.—Not later than two months after the Secretary submits a report required by paragraph (1), the Comptroller General of the United States shall submit to Congress a report on the costs and benefits to the United States of the implementation of the technology improvements under the contracts covered by such report, together with such recommendations as the Comptroller General considers appropriate.

SA 2538. 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 C of title III, add the following:

SEC. ____ . SUPERVISION AND MANAGEMENT OF DEFENSE BUSINESS TRANSFORMATION AGENCY.

Section 192 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—(1) The Defense Business Transformation Agency shall be supervised by the vice chairman of the Defense Business System Management Committee.

“(2) Notwithstanding the results of any periodic review under subsection (e) with regard to the Defense Business Transformation Agency, the Secretary of Defense shall designate that the Agency be managed cooperatively by the Deputy Under Secretary of Defense for Business Transformation and the Deputy Under Secretary of Defense for Financial Management.”.

SA 2539. 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 D of title I, add the following:

SEC. 138. C-37B AIRCRAFT.

(a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount authorized to be appropriated by section 103(1) for aircraft procurement for the Air Force is hereby increased by \$45,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 103(1) for aircraft for the Air Force, as increased by subsection (a), up to \$45,000,000 may be used for the procurement of one C-37B aircraft.

(c) OFFSET.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby reduced by \$25,000,000 and the amount authorized to be appropriated by section 301(5) for O&M, defensewide is hereby reduced by \$20,000,000.

SA 2540. Mr. WARNER (for Mr. ISAKSON) 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, insert the following:

SEC. ____ . DESIGNATION OF IKE SKELTON EARLY COMMISSIONING PROGRAM SCHOLARSHIPS.

Section 2107a of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) Financial assistance provided under this section to a cadet appointed at a military junior college is designated as, and shall be known as, an ‘Ike Skelton Early Commissioning Program Scholarship’.”.

SA 2541. 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 C of title III, add the following:

struction, 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. ____ . MODIFICATION OF ELIGIBILITY FOR POSITION OF PRESIDENT OF THE NAVAL POSTGRADUATE SCHOOL.

Subsection (a) of section 7042 of title 10, United States Code, is amended to read as follows:

“(a)(1) The President of the Naval Postgraduate School shall be one of the following:

“(A) An officer of the Navy not below the grade of rear admiral (lower half) who is detailed to such position.

“(B) A civilian individual having qualifications appropriate to the position of President of the Naval Postgraduate School who is appointed to such position.

“(2) The President of the Naval Postgraduate School shall be detailed or assigned to such position under paragraph (1) by the Secretary of the Navy, upon the recommendation of the Chief of Naval Operations.

“(3) An individual assigned as President of the Naval Postgraduate School under paragraph (1)(B) shall serve in such position for a term of not more than five years.”.

SA 2542. Mr. WARNER (for Mr. DEWINE) 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 167, between lines 6 and 7, insert the following:

(c) ADDITIONAL DEATH GRATUITY.—In the case of an active duty member of the armed forces who died between October 7, 2001, and May 11, 2005, and was not eligible for an additional death gratuity under section 1478(e)(3)(A) of title 10, United States Code (as added by section 1013(b) of Public Law 109-13), the eligible survivors of such deceased shall receive, in addition to the death gratuity available to such survivors under section 1478(a) of such title, an additional death gratuity of \$150,000 under the same conditions as provided under section 1478(e)(4) of such title.

SA 2543. Mr. WARNER (for Mr. ALLEN (for himself, Mr. DEWINE, and 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 G of title X, insert the following:

SEC. ____ . SENSE OF SENATE ON AERONAUTICS RESEARCH AND DEVELOPMENT.

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

(1) The advances made possible by Government-funded research in emerging aeronautics technologies have enabled long-standing military air superiority for the United States in recent decades.

(2) Military aircraft incorporate advanced technologies developed at research centers of the National Aeronautics and Space Administration.

(3) The vehicle systems program of the National Aeronautics and Space Administration has provided major technology advances that have been used in every major civil and military aircraft developed over the last 50 years.

(4) It is important for the cooperative research efforts of the National Aeronautics and Space Administration and the Department of Defense that funding of research on military aviation technologies be robust.

(5) Recent National Aeronautics and Space Administration and independent studies have demonstrated the competitiveness, scientific merit, and necessity of existing aeronautics programs.

(6) The economic and military security of the United States is enhanced by the continued development of improved aeronautics technologies.

(7) A national effort is needed to ensure that the National Aeronautics and Space Administration can help meet future aviation needs.

(b) SENSE OF SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to maintain a strong aeronautics research and development program within the Department of Defense and the National Aeronautics and Space Administration.

SA 2544. 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 E of title VIII, add the following:

SEC. _____. MODIFICATION OF LIMITED ACQUISITION AUTHORITY FOR THE COMMANDER OF THE UNITED STATES JOINT FORCES COMMAND.

(a) SCOPE OF AUTHORITY.—Subsection (a) of section 167a of title 10, United States Code, is amended by striking and “and acquire” and inserting “, acquire, and sustain”.

(b) INAPPLICABILITY TO CERTAIN SYSTEMS FUNDED WITH OPERATION AND MAINTENANCE FUNDS.—Subsection (d) of such section is amended—

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

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

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

“(3) the total expenditure for operation and maintenance is estimated to be \$2,000,000 or more.”.

(c) EXTENSION OF AUTHORITY.—Subsection (f) of such section is amended—

(1) by striking “through 2006” and inserting “through 2009”; and

(2) by striking “September 30, 2006” and inserting “September 30, 2009”.

SA 2545. Mr. WARNER (for himself, Mr. LEVIN, and Mr. BINGAMAN) 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 X, add the following:

SEC. _____. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE.

(a) FIRST EMERGENCY SUPPLEMENTAL TO MEET NEEDS ARISING FROM HURRICANE KATRINA.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, pursuant to the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-61).

(b) SECOND EMERGENCY SUPPLEMENTAL TO MEET NEEDS ARISING FROM HURRICANE KATRINA.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, pursuant to the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109-62).

(c) SUPPLEMENTAL APPROPRIATIONS FOR AVIAN FLU PREPAREDNESS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in this Act are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, arising from the proposal of the Administration relating to avian flu preparedness that was submitted to Congress on November 1, 2006.

(d) AMOUNTS REALLOCATED FOR HURRICANE-RELATED DISASTER RELIEF.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in this Act are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a reallocation of funds from the Disaster Relief Fund (DRF) of the Federal Emergency Management Agency arising from the proposal of the Director of the Office of Management and Budget on the reallocation of amounts for hurricane-related disaster relief that was submitted to the President on October 28, 2005, and transmitted to the Speaker of the House of Representatives on that date.

(e) AMOUNTS FOR HUMANITARIAN ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—There is authorized to be appropriated as emergency supplemental appropriations for the Department of Defense for fiscal year 2006, \$40,000,000 for the use of the Department of Defense for overseas, humanitarian, disaster, and civic aid for the purpose of providing humanitarian assistance to the victims of the earthquake that devastated northern Pakistan on October 8, 2005.

(f) REPORTS ON USE OF CERTAIN FUNDS.—

(1) REPORT ON USE OF EMERGENCY SUPPLEMENTAL FUNDS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the obligation and expenditure, as of that

date, of any funds appropriated to the Department of Defense for fiscal year 2005 pursuant to the Acts referred to in subsections (a) and (b) as authorized by such subsections. The report shall set forth—

(A) the amounts so obligated and expended; and

(B) the purposes for which such amounts were so obligated and expended.

(2) REPORT ON EXPENDITURE OF REIMBURSABLE FUNDS.—The Secretary shall include in the report required by paragraph (1) a statement of any expenditure by the Department of Defense of funds that were reimbursable by the Federal Emergency Management Agency, or any other department or agency of the Federal Government, from funds appropriated in an Act referred to in subsection (a) or (b) to such department or agency.

(3) REPORT ON USE OF CERTAIN OTHER FUNDS.—Not later than May 15, 2006, and quarterly thereafter through November 15, 2006, the Secretary shall submit to the congressional defense committees a report on the obligation and expenditure, during the previous fiscal year quarter, of any funds appropriated to the Department of Defense as specified in subsection (c) and any funds reallocated to the Department as specified in subsection (d). Each report shall, for the fiscal year quarter covered by such report, set forth—

(A) the amounts so obligated and expended; and

(B) the purposes for which such amounts were so obligated and expended.

(g) REPORT ON ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing Department of Defense efforts to provide relief to victims of the earthquake that devastated northern Pakistan on October 8, 2005, and assessing the need for further reconstruction and relief assistance.

SA 2546. Mr. WARNER (for Mr. DAYTON (for himself, Mrs. MURRAY, 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 C of title V, add the following:

SEC. _____. SENSE OF SENATE ON CERTAIN MATTERS RELATING TO THE NATIONAL GUARD AND RESERVES.

It is the sense of the Senate—

(1) to recognize the important and integral role played by members of the Active Guard and Reserve and military technicians (dual status) in the efforts of the Armed Forces; and

(2) to urge the Secretary of Defense to promptly resolve issues relating to appropriate authority for payment of reenlistment bonuses stemming from reenlistment contracts entered into between January 14, 2005, and April 17, 2005, involving members of the Army National Guard and military technicians (dual status).

SA 2547. Mr. WARNER (for Mr. BYRD) 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 XXXIII of division C, add the following:

SEC. 3302. DISPOSAL OF FERROMANGANESE.

(a) **DISPOSAL AUTHORIZED.**—The Secretary of Defense may dispose of up to 75,000 tons of ferromanganese from the National Defense Stockpile during fiscal year 2006.

(b) **CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.**—If the Secretary of Defense completes the disposal of the total quantity of ferromanganese authorized for disposal by subsection (a) before September 30, 2006, the Secretary of Defense may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) **CERTIFICATION.**—The Secretary of Defense may dispose of ferromanganese under the authority of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal, that—

(1) the disposal of the additional ferromanganese from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional ferromanganese will not cause undue disruption to the usual markets of producers and processors of ferromanganese in the United States; and

(3) the disposal of the additional ferromanganese is consistent with the requirements and purpose of the National Defense Stockpile.

(d) **DELEGATION OF RESPONSIBILITY.**—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) **NATIONAL DEFENSE STOCKPILE DEFINED.**—In this section, the term “National Defense Stockpile” means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

SA 2548. Mr. WARNER (for Mr. REID) 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. _____. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE MATTERS.

(a) **INCLUSION OF ADDITIONAL FACILITIES WITHIN INITIATIVE.**—Section 4551(2) of title 10, United States Code, is amended by inserting “, or a Government-owned, contractor-operated depot for the storage, maintenance, renovation, or demilitarization of ammunition,” after “manufacturing facility”.

(b) **ADDITIONAL CONSIDERATION FOR USE OF FACILITIES.**—Section 4554(b)(2) of such title is amended by adding at the end the following new subparagraph:

“(D) The demilitarization and storage of conventional ammunition.”.

SA 2549. Mr. WARNER proposed an amendment to the bill S. 1042, to au-

thorize 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 XXVIII of division B, add the following:

SEC. 2887. REQUIRED CONSULTATION WITH STATE AND LOCAL ENTITIES ON TRANSPORTATION, HOUSING, AND OTHER INFRASTRUCTURE ISSUES RELATED TO THE ADDITION OF PERSONNEL OR FACILITIES AT MILITARY INSTALLATIONS AS PART OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 2905(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

“(3) In carrying out any closure or realignment under this part that would add personnel or facilities to an existing military installation, the Secretary shall consult with appropriate State and local entities on matters affecting the local community related to transportation, utility infrastructure, housing, schools, and family support activities during the development of plans to implement such closure or realignment.”.

SA 2550. Mr. WARNER (for Mr. LOTT (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 XXVIII of division B, add the following:

SEC. 2887. SENSE OF THE SENATE ON REVERSIONARY INTERESTS AT NAVY HOMEPORTS.

It is the sense of the Senate that, in implementing the decisions made with respect to Navy homeports as part of the 2005 round of defense base closure and realignment, the Secretary of the Navy should, consistent with the national interest and Federal policy supporting cost-free conveyances of Federal surplus property suitable for use as port facilities, release or otherwise relinquish any entitlement to receive, pursuant to any agreement providing for such payment, compensation from any holder of a reversionary interest in real property used by the United States for improvements made to any military installation that is closed or realigned as part of such base closure round.

SA 2551. Mr. WARNER (for Mr. LEVIN) 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. REPORT ON CLAIMS RELATED TO THE BOMBING OF THE LABELLE DISCOQUEUE.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Government of Libya should be commended for the steps the Government has taken to renounce terrorism and to eliminate Libya’s weapons of mass destruction and related programs; and

(2) an important priority for improving relations between the United States and Libya should be a good faith effort on the part of the Government of Libya to resolve the claims of members of the Armed Forces of the United States and other United States citizens who were injured in the bombing of the LaBelle Discotheque in Berlin, Germany that occurred in April 1986, and of family members of members of the Armed Forces of the United States who were killed in that bombing.

(b) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the status of negotiations between the Government of Libya and United States claimants in connection with the bombing of the LaBelle Discotheque in Berlin, Germany that occurred in April 1986, regarding resolution of their claims. The report shall also include information on efforts by the Government of the United States to urge the Government of Libya to make a good faith effort to resolve such claims.

(2) **UPDATE.**—Not later than one year after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an update of the report required by paragraph (1).

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

SA 2552. Mr. WARNER (for Mr. KENNEDY (for himself and Mrs. FEINSTEIN)) 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 378, between lines 10 and 11, insert the following:

SEC. 3114. PROHIBITION ON USE OF FUNDS FOR ROBUST NUCLEAR EARTH PENETRATOR.

None of the funds authorized to be appropriated to the Department of Energy under this Act may be made available for the Robust Nuclear Earth Penetrator.

SA 2553. Mr. WARNER (for Ms. SNOWE (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 D of title XXVIII of division B, add the following:

SEC. 2887. IDENTIFICATION OF ENVIRONMENTAL CONDITIONS AT MILITARY INSTALLATIONS CLOSED OR REALIGNED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) IDENTIFICATION OF ENVIRONMENTAL CONDITION OF PROPERTY.—

(1) IN GENERAL.—Not later than May 31, 2007, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, other appropriate Federal agencies, and State, tribal, and local government officials, shall complete an identification of the environmental condition of the real property (including groundwater) of each military installation approved for closure or realignment under the 2005 round of defense base closure and realignment in accordance with section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)).

(2) RESULTS.—

(A) IN GENERAL.—As soon as practicable after the date on which an identification under paragraph (1) is completed, the Secretary of Defense shall—

(i) provide a notice of the results of the identification to—

(I) the Administrator of the Environmental Protection Agency;

(II) the head of any other appropriate Federal agency, as determined by the Secretary; and

(III) any affected State or tribal government official, as determined by the Secretary; and

(ii) publish in the Federal Register the results of the identification.

(B) REQUEST FOR CONCURRENCE.—The Secretary shall include in a notice provided under subclause (I) or (III) of subparagraph (A)(i) a request for concurrence with the identification in such form as the Secretary determines to be appropriate.

(3) CONCURRENCE.—

(A) IN GENERAL.—An identification under paragraph (1) shall not be considered to be complete until—

(i) for a property that is a site, or part of a site, on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)), the date on which the Administrator of the Environmental Protection Agency and each appropriate State and tribal government official concur with the identification; and

(ii) for any property that is not a site described in clause (i), the date on which each appropriate State and tribal government official concurs with the identification.

(B) FAILURE TO ACT.—The Administrator, or a State or tribal government official, shall be considered to concur with an identification under paragraph (1) if the Administrator or government official fails to make a determination with respect to a request for concurrence with such identification under paragraph (2)(B) by not later than 90 days after the date on which such request for concurrence is received.

(b) EXPEDITING ENVIRONMENTAL RESPONSE.—The Secretary of Defense shall coordinate with appropriate Federal, State, tribal, and local governmental officials, as determined by the Secretary, to expedite environmental response at military installations approved for closure or realignment under the 2005 round of defense base closure and realignment.

(c) REPORT.—The Secretary shall submit to Congress, as part of each annual report under section 2706 of title 10, United States Code, a report describing any progress made in carrying out this section.

(d) EFFECT OF SECTION.—Nothing in this section affects any obligation of the Sec-

retary with respect to any other Federal or State requirement relating to—

- (1) the environment; or
- (2) the transfer of property.

SA 2554. 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:

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

SEC. 2887. SENSE OF CONGRESS ON LIMITATION ON TRANSFER OF UNITS FROM CLOSED AND REALIGNED MILITARY INSTALLATIONS PENDING READINESS OF RECEIVING LOCATIONS.

(a) FINDINGS.—

(1) The Commission on Review of Overseas Military Facility Structure of the United States, also known as the Overseas Basing Commission, transmitted a report to the President and Congress on August 15, 2005, that discussed considerations for the return to the United States of up to 70,000 service personnel and 100,000 family members and civilian employees from overseas garrisons.

(2) The 2005 Base Closure and Realignment Commission released a report on September 8, 2005, to the President that assessed the closure and realignment decisions of the Department of Defense, which would affect 26,830 military personnel positions.

(3) Both of these reports expressed concerns that massive movements of units, service personnel, and families may disrupt unit operational effectiveness and the quality of life for family members if not carried out with adequate planning and resources.

(4) The 2005 Base Closure and Realignment Commission, in its decision to close Fort Monmouth, included a provision requiring the Secretary of Defense to provide a report that “movement of organizations, functions, or activities from Fort Monmouth to Aberdeen Proving Ground will be accomplished without disruption of their support to the Global War on Terrorism or other critical contingency operations, and that safeguards exist to ensure that necessary redundant capabilities are put in place to mitigate potential degradation of such support, and to ensure maximum retention of critical workforce”.

(5) The Overseas Basing Commission found that “base closings at home along with the return of yet additional masses of service members and dependents from overseas will have major impact on local communities and the quality of life that can be expected. Movements abroad from established bases into new locations, or into locations already in use that will be put under pressure by increases in populations, will impact on living conditions.”

(6) The Overseas Basing Commission notes that the four most critical elements of quality of life as they relate to restructuring of the global defense posture are housing, military child education, healthcare, and service member and family services.

(7) The Overseas Basing Commission recommended that “planners must take a ‘last day-first day’ approach to the movement of units and families from one location to another”, meaning that they must maintain the support infrastructure for personnel until the last day they are in place and must have the support infrastructure in place on the first day troops arrive in the new location.

(8) The Overseas Basing Commission further recommended that it is “imperative that the ‘last day-first day’ approach should be taken whether the movement is abroad from one locale to another, from overseas to the United States, or from one base in CONUS [the continental United States] to yet another as a result of base realignment and closures”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should not transfer any unit from a military installation closed or realigned due to the relocation of forces under the Integrated Global Presence and Basing Strategy or the 2005 round of defense base closure and realignment until adequate facilities and infrastructure necessary to support the unit’s mission and quality of life requirements for military families are ready for use at the receiving location.

SA 2555. Mr. WARNER (for Mr. HAGEL) 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 Title VI, subtitle E, at the end, insert the following:

SEC. _____. EXTENSION OF ELIGIBILITY FOR SSI FOR CERTAIN INDIVIDUALS IN FAMILIES THAT INCLUDE MEMBERS OF THE RESERVE AND NATIONAL GUARD.

Section 1631(j)(1)(B) of the Social Security Act (42 U.S.C. 1383(j)(1)(B)) is amended by inserting “(24 consecutive months, in the case of such an individual whose ineligibility for benefits under or pursuant to both such sections is a result of being called to active duty pursuant to section 12301(d) or 12302 of title 10, United States Code, or section 502(f) of title 32, United States Code)” after “for a period of 12 consecutive months”.

SA 2556. Mr. WARNER (for 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:

On page 378, between lines 10 and 11, insert the following:

SEC. 3114. SENSE OF THE SENATE REGARDING INTERIM REPORTS ON RESIDUAL BERYLLIUM CONTAMINATION AT DEPARTMENT OF ENERGY VENDOR FACILITIES.

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

(1) Section 3169 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 42 U.S.C. 7384 note) requires the National Institute for Occupational Safety and Health to submit, not later than December 31, 2006, an update to the October 2003 report of the Institute on residual beryllium contamination at Department of Energy vendor facilities.

(2) The American Beryllium Company, Tallevast, Florida, machined beryllium for the Department of Energy’s Oak Ridge Y-12, Tennessee, and Rocky Flats, Colorado, facilities from 1967 until 1992.

(3) The National Institute for Occupational Safety and Health has completed its evaluation of residual beryllium contamination at the American Beryllium Company.

(4) Workers at the American Beryllium Company and other affected companies should be made aware of the site-specific results of the study as soon as such results are available.

(b) SENSE OF THE SENATE.—It is the sense of the Senate to urge the Director of the National Institute for Occupational Safety and Health—

(1) to provide to Congress interim reports of residual beryllium contamination at facilities not later than 14 days after completing the internal review of such reports; and

(2) to publish in the Federal Register summaries of the findings of such reports, including the dates of any significant residual beryllium contamination, at such time as the reports are provided to Congress under paragraph (1).

SA 2557. Mr. WARNER (for Mr. GRAHAM) 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 B of title VII, add the following:

SEC. ____. **COMPTROLLER GENERAL REPORT ON EXPANDED PARTNERSHIP BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS ON THE PROVISION OF HEALTH CARE SERVICES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the feasibility of an expanded partnership between the Department of Defense and the Department of Veterans Affairs for the provision of health care services.

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

(1) An overview of the current health care systems of the Department of Defense and the Department of Veterans Affairs, including—

(A) the total number of eligible beneficiaries in each system as of September 30, 2005;

(B) the total number of current consumers of health care services in each system as of that date;

(C) the total cost of each system in the most recent fiscal year for which complete cost data for both systems exists;

(D) the annual workload or production of health care by beneficiary category in each system in the most recent fiscal year for which complete data on workload or production of health care for both systems exists;

(E) the total cost of health care by beneficiary category in each system in the most recent fiscal year for which complete cost data for both systems exists;

(F) the total staffing of medical and administrative personnel in each system as of September 30, 2005;

(G) the number and location of facilities, including both hospitals and clinics, operated by each system as of that date; and

(H) the size, capacity, and production of graduate medical education programs in each system as of that date.

(2) A comparative analysis of the characteristics of each health care system, including a determination and comparative analysis of—

(A) the mission of such systems;

(B) the demographic characteristics of the populations served by such systems;

(C) the categories of eligibility for health care services in such systems;

(D) the nature of benefits available by beneficiary category in such systems;

(E) access to and quality of health care services in such systems;

(F) the out-of-pocket expenses for health care by beneficiary category in such systems;

(G) the structure and methods of financing the care for all categories of beneficiaries in such systems;

(H) the management and acquisition of medical equipment and supplies in such systems, including pharmaceuticals and prosthetic and other medical assistive devices;

(I) the mix of health care services available in such systems;

(J) the current inpatient and outpatient capacity of such systems; and

(K) the human resource systems for medical personnel in such systems, including the rates of compensation for civilian employees.

(3) A summary of current sharing efforts between the health care systems of the Department of Defense and the Department of Veterans Affairs.

(4) An assessment of the advantages and disadvantages for military retirees and their dependents participating in the health care system of the Department of Veterans Affairs of an expanded partnership between the health care systems of the Department of Defense and the Department of Veterans Affairs, with a separate assessment to be made for—

(A) military retirees and dependents under the age of 65; and

(B) military retirees and dependents over the age of 65.

(5) Projections for the future growth of health care costs for retirees and veterans in the health care systems of the Department of Defense and the Department of Veterans Affairs, including recommendations on mechanisms to ensure more effective and higher quality services in the future for military retirees and veterans now served by both systems.

(6) Options for means of achieving a more effective partnership between the health care systems of the Department of Defense and the Department of Veterans Affairs, including options for the expansion of, and enhancement of access of military retirees and their dependents to, the health care system of the Department of Veterans Affairs.

(c) **SOLICITATION OF VIEW.**—In preparing the report required by subsection (a), the Comptroller General shall seek the views of representatives of military family organizations, military retiree organizations, and organizations representing veterans and their families.

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

(1) the Committees on Armed Services and Veterans Affairs of the Senate; and

(2) the Committees on Armed Services and Veterans Affairs of the House of Representatives.

SA 2558. Mr. WARNER (for 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 C of title III, add the following:

SEC. ____. **GRANTS FOR LOCAL WORKFORCE INVESTMENT BOARDS FOR SERVICES FOR CERTAIN SPOUSES OF MEMBERS OF THE ARMED FORCES.**

(a) **GRANTS AUTHORIZED.**—The Secretary of Defense may, from any funds authorized to be appropriated to the Department of Defense, and in consultation with the Department of Labor, make grants to local workforce investments boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), or consortia of such boards, in order to permit such boards or consortia of boards to provide services to spouses of members of the Armed Forces described in subsection (b).

(b) **COVERED SPOUSES.**—Spouses of members of the Armed Forces described in this subsection are spouses of members of the Armed Forces on active duty, which spouses—

(1) have experienced a loss of employment as a direct result of relocation of such members to accommodate a permanent change in duty station; or

(2) are in a family whose income is significantly reduced due to—

(A) the deployment of such members;

(B) the call or order of such members to active duty in support of a contingency operation pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

(C) a permanent change in duty station of such members; or

(D) the incurral by such members of a service-connected disability (as that term is defined in section 101(16) of title 38, United States Code).

(c) **REGULATIONS.**—Any grants made under this section shall be made pursuant to regulations prescribed by the Secretary in consultation with the Department of Labor. Such regulation shall set forth—

(1) criteria for eligibility of workforce investment boards for grants under this section;

(2) requirements for applications for such grants; and

(3) the nature of services to be provided using such grants.

SA 2559. 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 C of title III, add the following:

SEC. ____. **REST AND RECUPERATION LEAVE PROGRAMS.**

(a) **AVAILABILITY OF FUNDS FOR REIMBURSEMENT OF EXPENSES.**—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, \$7,000,000 may be available for the reimbursement of expenses of the Armed Forces Recreation Centers related to the utilization of the facilities of the Armed Forces Recreation Centers under official Rest and Recuperation Leave Programs authorized by the military departments or combatant commanders.

(b) UTILIZATION OF REIMBURSEMENTS.—Amounts received by the Armed Forces Recreation Centers under subsection (a) as reimbursement for expenses may be utilized by such Centers for facility maintenance and repair, utility expenses, correction of health and safety deficiencies, and routine ground maintenance.

(c) REGULATIONS.—The utilization of facilities of the Armed Forces Recreation Centers under Rest and Recuperation Leave Programs, and reimbursement for expenses related to such utilization of such facilities, shall be subject to regulations prescribed by the Secretary of Defense.

SA 2560. 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 subtitle B of title V, add the following:

SEC. ____. **REPORT ON INFORMATION ON STOP LOSS AUTHORITIES GIVEN TO ENLISTEES IN THE ARMED FORCES.**

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

(1) The Department of Defense began retaining selected members of the Armed Forces beyond their contractual date of separation from the Armed Forces, a policy commonly known as “stop loss”, shortly after the events of September 11, 2001, and for the first time since Operation Desert Shield/Desert Storm.

(2) The Marine Corps, Navy, and Air Force discontinued their use of stop loss authority in 2003. According to the Department of Defense, a total of 8,992 marines, 2,600 sailors, and 8,500 airmen were kept beyond their separation dates under that authority.

(3) The Army is the only Armed Force currently using stop loss authority. The Army reports that, during September 2005, it was retaining 6,929 regular component soldiers, 3,002 soldiers in the National Guard, and 2,847 soldiers in the Army Reserve beyond their separation date. The Army reports that it has not kept an account of the cumulative number of soldiers who have been kept beyond their separation date.

(4) The Department of Defense Form 4/1, Enlistment/Reenlistment Document does not give notice to enlistees and reenlistees in the regular components of the Armed Forces that they may be kept beyond their contractual separation date during times of partial mobilization.

(5) The Department of Defense has an obligation to clearly communicate to all potential enlistees and reenlistees in the Armed Forces their terms of service in the Armed Forces.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the actions being taken to ensure that each individual being recruited for service in the Armed Forces is provided, before making a formal enlistment in the Armed Forces, precise and detailed information on the period or periods of service to which such individual may be obligated by reason of enlistment in the Armed Forces, including any revisions to Department of Defense Form 4/1.

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

(A) a description of how the Department informs enlistees in the Armed Forces on—

(i) the so-called “stop loss” authority and the manner in which exercise of such authority could affect the duration of an individual’s service on active duty in the Armed Forces;

(ii) the authority for the call or order to active duty of members of the Individual Ready Reserve and the manner in which such a call or order to active duty could affect an individual following the completion of the individual’s expected period of service on active duty or in the Individual Ready Reserve; and

(iii) any other authorities applicable to the call or order to active duty of the Reserves, or of the retention of members of the Armed Forces on active duty, that could affect the period of service of an individual on active duty or in the Armed Forces; and

(B) such other information as the Secretary considers appropriate.

SA 2561. Mr. WARNER (for Mr. BYRD) 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 of division A, add the following:

SEC. 1073. COAL-TO-LIQUID FUEL DEVELOPMENT PLAN.

(a) DEFINITION OF DESIGNATED COMMITTEES.—In this section, the term “designated committees” means—

(1) the Committees on Armed Services, Energy and Natural Resources, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Energy and Commerce, and Appropriations of the House of Representatives.

(b) DEVELOPMENT PLAN AND REPORT.—Not later than 90 days after the date of enactment of this Act, using amounts available to the Department of Defense and the National Energy Technology Laboratory of the Department of Energy—

(1) the Secretary of Energy, in coordination with the Secretary of Defense, shall prepare and submit to the designated committees a development plan for a coal-to-liquid fuels program; and

(2) the Secretary of Defense, in coordination with the Secretary of Energy, shall prepare and submit to the designated committees a report on the potential use of the fuels by the Department of Defense.

(c) REQUIREMENTS.—The development plan described in subsection (b)(1) shall be prepared taking into consideration—

(1) technology needs and developmental barriers;

(2) economic and national security effects;

(3) environmental standards and carbon capture and storage opportunities;

(4) financial incentives;

(5) timelines and milestones;

(6) diverse regions having coal reserves that would be suitable for liquefaction plants;

(7) coal-liquid fuel testing to meet civilian and military engine standards and markets; and

(8) any roles other Federal agencies, State governments, and international entities could play in developing a coal-to-liquid fuel industry.

SA 2562. Mr. WARNER (for Mr. CRAIG (for himself, Mr. ROBERTS, Mr. BROWNBACK, Ms. MIKULSKI, Mr. WARNER, 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 appropriate place, insert the following:

SEC. ____. **DENIAL OF CERTAIN BURIAL-RELATED BENEFITS FOR INDIVIDUALS WHO COMMITTED A CAPITAL OFFENSE.**

(a) PROHIBITION AGAINST INTERMENT IN NATIONAL CEMETERY.—Section 2411 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) A person whose conviction of a Federal capital crime is final.”; and

(B) by amending paragraph (2) to read as follows:

“(2) A person whose conviction of a State capital crime is final.”; and

(2) in subsection (d)—

(A) in paragraph (1), by striking “the death penalty or life imprisonment” and inserting “a life sentence or the death penalty”; and

(B) in paragraph (2), by striking “the death penalty or life imprisonment without parole may be imposed” and inserting “a life sentence or the death penalty may be imposed”.

(b) DENIAL OF CERTAIN BURIAL-RELATED BENEFITS.—Section 985 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole.” and inserting “described in section 2411(b) of title 38.”;

(2) in subsection (b), by striking “convicted of a capital offense under Federal law” and inserting “described in section 2411(b) of title 38”; and

(3) by amending subsection (c) to read as follows:

“(c) DEFINITION.—In this section, the term ‘burial’ includes inurnment.”.

(c) DENIAL OF FUNERAL HONORS.—Section 1491(h) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “means a decent who—” and inserting the following: “—

“(1) means a decent who—”;

(3) in subparagraph (B), as redesignated, by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(2) does not include any person described in section 2411(b) of title 38.”.

(d) RULEMAKING.—

(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall prescribe regulations to ensure that a person is not interred in any military cemetery under the authority of the Secretary or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment or honors under Federal law.

(2) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall prescribe regulations to ensure that a person is not interred in any cemetery in the National Cemetery System unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment under Federal law.

(e) SAVINGS PROVISION.—The amendments made by subsections (a), (b), and (c) shall not apply to any person whose sentence for a Federal capital crime or a State capital crime (as such terms are defined in section 2411(d) of title 38, United States Code) was commuted by the President or the Governor of a State.

SA 2563. 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 subtitle D of title X, add the following:

SEC. ____ ANNUAL REPORTS ON BUDGETING RELATED TO KEY MILITARY EQUIPMENT.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 234. Budgeting for key military equipment: annual reports

“(a) ANNUAL REPORT REQUIRED.—The Secretary of Defense shall submit to Congress each year, at or about the time that the budget of the President is submitted to Congress that year under section 1105(a) of title 31, a report on the budgeting of the Department of Defense for key military equipment.

“(b) REPORT ELEMENTS.—The report required by subsection (a) for a year shall set forth the following:

“(1) A description of the current strategies of the Department of Defense for sustaining key military equipment, and for any modernization that will be required of such equipment.

“(2) A description of the amounts required for the Department for the fiscal year beginning in such year in order to fully fund the strategies described in paragraph (1).

“(3) A description of the amounts requested for the Department for such fiscal year in order to fully fund such strategies.

“(4) A description of the risks, if any, of failing to fund such strategies in the amounts required to fully fund such strategies (as specified in paragraph (2)).

“(5) A description of the actions being taken by the Department of Defense to mitigate the risks described in paragraph (4).

“(c) KEY MILITARY EQUIPMENT DEFINED.—In this section, the term ‘key military equipment’—

“(1) means—

“(A) major weapons systems that are essential to accomplishing the national defense strategy; and

“(B) other military equipment, such as major command, communications, computer intelligence, surveillance, and reconnaissance (C4ISR) equipment and systems designed to prevent fratricide, that is critical to the readiness of military units; and

“(2) includes equipment reviewed in the report of the Comptroller General of the United States numbered GAO-06-141.”

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

“234. Budgeting for key military equipment: annual reports.”

SA 2564. Mr. WARNER (for Mr. MARTINEZ (for himself and 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 C of title III, add the following:

SEC. ____ IMPROVEMENT OF AUTHORITIES ON GENERAL GIFT FUNDS OF THE DEPARTMENT OF DEFENSE.

(a) RESTATEMENT AND EXPANSION OF CURRENT AUTHORITY.—Subsection (a) of section 2601 of title 10, United States Code, is amended to read as follows:

“(a)(1) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit, or in connection with, the establishment, operation, or maintenance of a school, hospital, library, museum, cemetery, or other institution or organization under the jurisdiction of such Secretary.

“(2)(A) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit of members of the armed forces or civilian employees of United States Government, or the dependents or survivors of such members or employees, who are wounded or killed while serving in Operation Iraqi Freedom, Operation Enduring Freedom, or any other military operation or activity, or geographic area, designated by the Secretary of Defense for purposes of this section.

“(B) The Secretary of Defense shall prescribe regulations specifying the conditions that may be attached to a gift, devise, or bequest accepted under this paragraph.

“(C) The authority to accept gifts, devises, or bequests under this paragraph shall expire on December 31, 2007.

“(3) The Secretary concerned may pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest made under this subsection.”

(b) SCOPE OF AUTHORITY TO USE ACCEPTED PROPERTY.—Such section is further amended—

(1) by redesignating subsections (b), (c) and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b)(1) Except as provided in paragraph (2), property accepted under subsection (a) may be used by the Secretary concerned without further specific authorization in law.

“(2) Property accepted under subsection (a) may not be used—

“(A) if the use of such property in connection with any program, project, or activity would result in the violation of any prohibition or limitation otherwise applicable to such program, project, or activity;

“(B) if the conditions attached to such property are inconsistent with applicable law or regulations;

“(C) if the use of such property would reflect unfavorably on ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

“(D) if the use of such property would compromise the integrity or appearance of integrity of any program of the Department of Defense, or any individual involved in such a program.”

(c) CONFORMING AMENDMENT.—Subsection (c) of such section, as redesignated by sub-

section (b)(1) of this section, is further amended in the flush matter following paragraph (4) by striking “benefit or use of the designated institution or organization” and inserting “purposes specified in subsection (a)”.

(d) GAO AUDITS.—Such section is further amended by adding at the end the following new subsection:

“(f) The Comptroller General of the United States shall make periodic audits of real or personal property accepted under subsection (a) at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.”

SA 2565. 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 D of title V, add the following:

SEC. ____ SENSE OF SENATE ON APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE TO RESERVES ON INACTIVE-DUTY TRAINING OVERSEAS.

It is the sense of the Senate that—

(1) there should be no ambiguity about the applicability of the Uniform Code of Military Justice (UCMJ) to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training (IDT) orders for any period of time under such orders; and

(2) the Secretary of Defense should—

(A) take action, not later than February 1, 2006, to clarify jurisdictional issues relating to such applicability under section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice); and

(B) if necessary, submit to Congress a proposal for legislative action to ensure the applicability of the Uniform Code of Military Justice to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training orders.

SA 2568. Mr. WARNER (for Mr. McCONNELL) 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. ____ COMMEMORATION OF SUCCESS OF THE ARMED FORCES IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

(a) FINDING.—Congress finds that it is both right and appropriate that, upon their return from Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, all soldiers, sailors, marines, and airmen in the Armed Forces who served in those operations be honored and recognized for their achievements, with appropriate ceremonies, activities, and awards commemorating their sacrifice and service to the United States and the cause of freedom in the Global War on Terrorism.

(b) CELEBRATION HONORING MILITARY EFFORTS IN OPERATION ENDURING FREEDOM AND

OPERATION IRAQI FREEDOM.—The President may, at the sole discretion of the President—

(1) designate a day of celebration to honor the soldiers, sailors, marines, and airmen of the Armed Forces who have served in Operation Enduring Freedom or Operation Iraqi Freedom and have returned to the United States; and

(2) issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.

(c) PARTICIPATION OF ARMED FORCES IN CELEBRATION.—

(1) PARTICIPATION AUTHORIZED.—Members and units of the Armed Forces may participate in activities associated with the day of celebration designated under subsection (b) that are held in Washington, District of Columbia.

(2) AVAILABILITY OF FUNDS.—Subject to paragraph (4), amounts authorized to be appropriated for the Department of Defense may be used to cover costs associated with the participation of members and units of the Armed Forces in the activities described in paragraph (1).

(3) ACCEPTANCE OF PRIVATE CONTRIBUTIONS.—(A) Notwithstanding any other provision of law, the Secretary of Defense may accept cash contributions from private individuals and entities for the purposes of covering the costs of the participation of members and units of the Armed Forces in the activities described in paragraph (1). Amounts so accepted shall be deposited in an account established for purposes of this paragraph.

(B) Amounts accepted under subparagraph (A) may be used for the purposes described in that subparagraph until expended.

(4) LIMITATION.—The total amount of funds described in paragraph (2) that are available for the purpose set forth in that paragraph may not exceed the amount equal to—

(A) \$20,000,000, minus

(B) the amount of any cash contributions accepted by the Secretary under paragraph (3).

(d) AWARD OF RECOGNITION ITEMS.—

(1) AUTHORITY TO AWARD.—Under regulations prescribed by the Secretary of Defense, appropriate recognition items may be awarded to any individual who served honorably as a member of the Armed Forces in Operation Enduring Freedom or Operation Iraqi Freedom during the Global War on Terrorism. The purpose of the award of such items is to recognize the contribution of such individuals to the success of the United States in those operations.

(2) RECOGNITION ITEMS DEFINED.—In this subsection, the term “recognition items” means recognition items authorized for presentation under section 2261 of title 10, United States Code (as amended by section 593(a) of this Act).

SA 2567. Mr. WARNER (for Mr. MCCONNELL) 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, insert after the item relating to Fort Campbell, Kentucky, the following:

	Fort Knox	\$4,600,000

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert “\$1,199,722,000”.

On page 317, between lines 3 and 4, insert the following:

SEC. 2105. CONSTRUCTION OF BATTALION DINING FACILITIES, FORT KNOX, KENTUCKY.

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2104(a) for military construction, land acquisition, and military family housing functions of the Department of the Army and the amount of such funds authorized by paragraph (1) of such subsection for military construction projects inside the United States are each hereby decreased by \$3,600,000.

(b) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2104(a)(1) for the Department of the Army and available for military construction at Fort Knox, Kentucky, \$4,600,000 is available for the construction of battalion dining facilities at Fort Knox.

SA 2568. Mr. WARNER (for Mr. LEVIN) 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 IX, add the following:

SEC. ____ RESPONSIBILITY OF THE JOINT CHIEFS OF STAFF AS MILITARY ADVISERS TO THE HOMELAND SECURITY COUNCIL.

(a) RESPONSIBILITY AS MILITARY ADVISERS.—

(1) IN GENERAL.—Subsection (b) of section 151 of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting “the Homeland Security Council,” after “the National Security Council;”; and

(B) in paragraph (2), by inserting “the Homeland Security Council,” after “the National Security Council.”

(2) CONSULTATION BY CHAIRMAN.—Subsection (c)(2) of such section is amended by inserting “the Homeland Security Council,” after “the National Security Council,” both places it appears.

(3) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting “the Homeland Security Council,” after “the National Security Council,” both places it appears; and

(B) in paragraph (2), by inserting “the Homeland Security Council,” after “the National Security Council.”

(4) ADVICE ON REQUEST.—Subsection (e) of such section is amended by inserting “the Homeland Security Council,” after “the National Security Council,” both places it appears.

(b) ATTENDANCE AT MEETING OF HOMELAND SECURITY COUNCIL.—Section 903 of the Homeland Security Act of 2002 (6 U.S.C. 493) is amended—

(1) by inserting “(a) MEMBERS.—” before “The members”; and

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

“(b) ATTENDANCE OF CHAIRMAN OF JOINT CHIEFS OF STAFF AT MEETINGS.—The Chairman of the Joint Chiefs of Staff (or, in the absence of the Chairman, the Vice Chairman of the Joint Chiefs of Staff) may, in the role of the Chairman of the Joint Chiefs of Staff as principal military adviser to the Homeland Security Council and subject to the direction of the President, attend and participate in meetings of the Homeland Security Council.”

SA 2569. Mr. WARNER (for 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:

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

SEC. 1073. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

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

(1) With only a few systems deployed, the Common Remotely Operated Weapons Station (CROWS) platform is already saving the lives of soldiers today in Iraq by moving soldiers out of the exposed gunner’s seat and into the protective shell of an up-armored Humvee.

(2) The Common Remotely Operated Weapons Station platform dramatically improves battlefield awareness by providing a laser rangefinder, night vision, telescopic vision, a fire control computer that allows on-the-move target acquisition, and one-shot one-kill accuracy at the maximum range of a weapon.

(3) As they become available, new technologies can be incorporated into the Common Remotely Operated Weapons Station platform, thus making the platform scalable.

(4) The Army has indicated that an additional \$206,000,000 will be required in fiscal year 2006 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should include in the next request submitted to Congress for supplemental funding for military operations in Iraq and Afghanistan sufficient funds for the production in fiscal year 2006 of a number of Common Remotely Operated Weapons Station units that is adequate to meet the requirements of the Armed Forces.

SA 2570. 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 C of title III, add the following:

SEC. _____. INCLUSION OF PACKET BASED TELEPHONY IN DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

(a) **INCLUSION IN BENEFIT.**—Subsection (a) of section 344 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1448) is amended by inserting “packet based telephony service,” after “prepaid phone cards.”.

(b) **INCLUSION OF INTERNET TELEPHONY IN DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.**—Subsection (e) of such section is amended—

(1) by inserting “or Internet service” after “additional telephones”;

(2) by inserting “or packet based telephony” after “to facilitate telephone”; and

(3) by inserting “or Internet access” after “installation of telephones”.

(c) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in the subsection caption of subsection (a), by striking “PREPAID PHONE CARDS” and inserting “BENEFIT”; and

(2) in the subsection caption of subsection (e), by inserting “OR INTERNET ACCESS” after “TELEPHONE EQUIPMENT”.

SA 2571. Mr. WARNER (for Ms. COLLINS) (for herself and 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:

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

SEC. _____. SENSE OF SENATE ON APPLICABILITY OF COMPETITION EXCEPTIONS TO ELIGIBILITY OF NATIONAL GUARD FOR FINANCIAL ASSISTANCE FOR PERFORMANCE OF ADDITIONAL DUTIES.

It is the sense of the Senate that the amendment made by section 806 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2010) permits the Secretary of Defense to provide financial assistance to the Army National Guard for the performance of additional duties specified in section 113(a) of title 32, United States Code, without the use of competitive procedures under the standard exceptions to the use of such procedures in accordance with section 2304(c) of title 10, United States Code.

SA 2572. Mr. WARNER (for Mr. DURBIN) (for himself, Mr. VITTER, Mr. WYDEN, Mr. DAYTON, Ms. LANDRIEU, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. SCHUMER) 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 appropriate place, insert the following:

SEC. _____. VETERANS PREFERENCE ELIGIBILITY FOR MILITARY RESERVISTS.

(a) **SHORT TITLE.**—This section may be cited as the “Reservist Access to Veterans Preference Act”.

(b) **VETERANS PREFERENCE ELIGIBILITY.**—Section 2108(1) of title 5, United States Code, is amended by striking “separated from” and inserting “discharged or released from active duty in”.

(c) **SAVINGS PROVISION.**—Nothing in the amendment made by subsection (b) may be construed to affect a determination made before the date of enactment of this Act that an individual is preference eligible (as defined in section 2108(3) of title 5, United States Code).

SA 2573. Mr. WARNER (for Mr. DEWINE) 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 B of title VII, add the following:

SEC. 718. STUDY AND REPORT ON CIVILIAN AND MILITARY PARTNERSHIP PROJECT.

(a) **STUDY.**—The Secretary of Defense shall conduct a study on the feasibility of conducting a military and civilian partnership project to permit employees of the Department of Defense and of a non-profit health care entity to jointly staff and provide health care services to military personnel and civilians at a Department of Defense military treatment facility.

(b) **REPORT.**—Not later than December 31, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

SA 2574. 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:

At the appropriate place in title VIII, insert:

SEC. _____. Contracting Incentive for Small Power Plants on Former Military Bases.

(A) **AUTHORIZATION.**—Notwithstanding the limitation in Section 501(b)(1)(B) of title 40, United States Code, the Administrator of the General Services Administration is authorized to contract for public utility services for a period of not more than 20 years, provided that such services are electricity services procured from a small power plant located on a qualified HUBZone base closure area.

(B) **DEFINITION OF SMALL POWER PLANT.**—In this section, the term small power plant includes any power facility or project with electrical output of not more than 60 Megawatts.

(C) **DEFINITION OF PUBLIC UTILITY ELECTRIC SERVICES.**—In this section, the term ‘public utility services’, with respect to electricity services, includes electricity supplies and services, including transmission, generation, distribution, and other services directly used in providing electricity.”

(D) **DEFINITION OF HUBZONE BASE CLOSURE AREA.**—In this section, the term “HUBZone base closure area” has the same meaning as such term is defined in Section 3(P)(4)(D) of the Small Business Act, 15 USC 632(p)(4)(D).

(E) **APPLICABILITY OF OTHER PROVISIONS OF LAW.**—Contracting pursuant to this section

shall be subject to all other laws and regulations applicable to contracting for public utility services.

SA 2575. Mr. WARNER (for himself and 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 E of title VIII, add the following:

SEC. _____. EXTENSION OF ANNUAL REPORTS ON MATURITY OF TECHNOLOGY AT INITIATION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 804(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1180) is amended by striking “through 2006” and inserting “through 2010”.

SA 2576. Mr. WARNER (for Mr. BYRD) 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. NATIONAL GUARD CONSTRUCTION PROJECTS.

(a) **ARMY NATIONAL GUARD AT CAMP DAWSON, WEST VIRGINIA.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—The amount authorized to be appropriated by section 2601(1)(A) for the Department of the Army for the Army National Guard of the United States is hereby increased by \$4,500,000.

(2) **USE OF FUNDS.**—Of the amount authorized to be appropriated by section 2601(1)(A) for the Department of the Army for the Army National Guard of the United States, as increased by paragraph (1), \$4,500,000 is available for the construction of a readiness center at Camp Dawson, West Virginia.

(3) **OFFSET.**—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, and available for the construction of a bridge/gate house/force protection entry project at Camp Yeager, West Virginia, is hereby decreased by \$4,500,000.

(b) **AIR NATIONAL GUARD AT EASTERN WEST VIRGINIA REGIONAL AIRPORT.**—Of the amount authorized to be appropriated by section 2603(3)(A) for the Department of the Air Force for the Air National Guard of the United States, and otherwise available for the construction of a bridge/gate house/force protection entry project at Yeager Air National Guard Base, West Virginia, \$2,000,000 shall be available instead for C-5 aircraft shop upgrades at Eastern West Virginia Regional Airport, Shepherd Field, Martinsburg, West Virginia.

SA 2577. 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 C of title III, add the following:

SEC. _____. REPORT ON EFFECTS OF WINDMILL FARMS ON MILITARY READINESS.

(a) FINDING.—Congress finds that the Ministry of Defence of the United Kingdom has determined, as a result of a recently conducted study of the effect of windmill farms on military readiness, not to permit construction of windmill farms within 30 kilometers of military radar installations.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effects of windmill farms on military readiness, including an assessment of the effects on the operations of military radar installations of the proximity of windmill farms to such installations and of technologies that could mitigate any adverse effects on military operations identified.

SA 2578. 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 B of title XXXI, add the following:

SEC. _____. REPORT ON ADVANCED TECHNOLOGIES FOR NUCLEAR POWER REACTORS IN THE UNITED STATES.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on advanced technologies for nuclear power reactors in the United States.

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

(1) A description and assessment of technologies under development for advanced nuclear power reactors that offer the potential for further enhancements of the safety performance of nuclear power reactors.

(2) A description and assessment of technologies under development for advanced nuclear power reactors that offer the potential for further enhancements of proliferation-resistant nuclear power reactors.

(c) FORM OF REPORT.—The information in the report required by subsection (a) shall be presented in manner and format that facilitates the dissemination of such information, and the understanding of such information by, the general public.

SA 2579. 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 subtitle D of title X, add the following:

SEC. _____. QUARTERLY REPORTS ON WAR STRATEGY IN IRAQ.

(a) QUARTERLY REPORTS.—At the same time the Secretary of Defense submits to

Congress each report on stability and security in Iraq that is submitted to Congress after the date of the enactment of this Act under the Joint Explanatory Statement of the Committee on Conference to accompany the conference report on the bill H.R. 1268 of the 109th Congress, the Secretary of Defense and appropriate personnel of the Central Intelligence Agency shall provide the appropriate committees of Congress a briefing on the strategy for the war in Iraq, including the measures of evaluation utilized in determining the progress made in the execution of that strategy.

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

- (1) the Committees on Armed Services and Appropriations of the Senate; and
- (2) the Committees on Armed Services and Appropriations of the House of Representatives.

SA 2580. Mr. SANTORUM (for Mr. FRIST) proposed an amendment to the bill H.R. 1499, To amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income; as follows:

On page 3, line 3, change “December 31, 2004” to “December 31, 2003”.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, November 16, 2005, at 10 a.m. in room 216 of the Hart Senate Office Building to conduct an oversight hearing on the In Re Tribal Lobbying Matters, Et Al. Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITIES FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 15, 2005, at 10 a.m. to conduct a hearing on the nomination of Mr. Ben S. Bernanke, of New Jersey, to be a member and chairman of the Board of Governors of the Federal Reserve System.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday November 15, 2005, at 10 a.m., on Public Policy Options for Encouraging Alternative Automotive Fuel Technologies.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, November 15, at 10 a.m. The purpose of this hearing is to evaluate and receive a status report on the environmental management programs of the Department of Energy.

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

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Tuesday, November 15, 2005, at 10 a.m. to consider an original bill that will include the Committee's budget reconciliation instructions pertaining to expiring tax provisions and also additional incentives for hurricane affected areas.

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 15, 2005, at 9:30 a.m. to hold a hearing on Treaties.

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 “Judicial Nominations” on Tuesday, November 15, 2005 at 2:30 p.m. in the Dirksen Senate Office Building Room 226.

Witness List

Panel I: Members of Congress.

Panel II: Virginia Mary Kendall to be United States District Judge for the Northern District of Illinois; Kristi DuBose to be United States District Judge for the Southern District of Alabama; W. Keith Watkins to be United States District Judge for the Middle District of Alabama.

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

SUBCOMMITTEE ON AIRLAND

Mr. WARNER. Mr. President, I ask unanimous consent that the subcommittee on Airland be authorized to meet during the session of the Senate on November 15, 2005, at 2:30 p.m., in open session to receive testimony on defense acquisition issues related to tactical aviation and army programs.

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

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on