

However, the Supreme Court has not yet addressed the legality of such military commissions, and this amendment should not be read as any indication that Congress is weighing in on that issue. While I would have strongly preferred that this amendment not be included in the conference report, I think it is important to note these limitations on its practical effect.

In closing, Mr. President, I am pleased that I was able to vote for a bill to provide our brave men and women in uniform with the funding they need. But I am disappointed with the long and winding road that it took to get to this point. I hope that Republican leaders are on notice that the Senate will not turn a blind eye when they break the rules and put their own narrow interests above those of the country and the troops.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Arizona (Mr. CHAFEE), the Senator from South Carolina (Mr. DEMINT), the Senator from New Hampshire (Mr. GREGG), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT), would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD), and the Senator from Iowa (Mr. HARKIN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 366 Leg.]

YEAS—93

Akaka	Domenici	McConnell
Alexander	Dorgan	Mikulski
Allard	Durbin	Murkowski
Allen	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Obama
Biden	Frist	Pryor
Bingaman	Graham	Reed
Bond	Grassley	Reid
Boxer	Hagel	Roberts
Brownback	Hatch	Rockefeller
Bunning	Hutchison	Salazar
Burns	Inhofe	Santorum
Burr	Inouye	Sarbanes
Byrd	Isakson	Schumer
Cantwell	Jeffords	Sessions
Carper	Johnson	Shelby
Chambliss	Kennedy	Smith
Clinton	Kerry	Snowe
Coburn	Kohl	Specter
Cochran	Kyl	Stabenow
Coleman	Landrieu	Stevens
Collins	Lautenberg	Sununu
Conrad	Leahy	Talent
Cornyn	Levin	Thomas
Craig	Lieberman	Thune
Crapo	Lincoln	Vitter
Dayton	Lott	Voivovich
DeWine	Lugar	Warner
Dole	Martinez	Wyden

NOT VOTING—7

Chafee	Dodd	McCain
Corzine	Gregg	
DeMint	Harkin	

The conference report was agreed to.

VITIATION OF VOTE—H.R. 1815

The PRESIDING OFFICER. Under the previous order, the cloture vote on the conference report on H.R. 1815 is vitiated.

Mr. WARNER. Mr. President, I am proud to bring the Conference Report on the National Defense Authorization Act for Fiscal Year 2006 before the Senate for final passage. This has been a long and difficult conference, but we have achieved our goal of providing the necessary authorities and resources for our men and women in uniform to defend the freedom of America.

I thank my colleague and partner for these 27 years we have served together in the Senate, the senior Senator from Michigan, CARL LEVIN, for his consistently constructive help and leadership in bringing this important legislation to the floor.

An undertaking of this magnitude is ultimately a bipartisan, bicameral effort. Consequently, there are many people deserving of recognition. I want to thank all of our subcommittee chairs and ranking members for their tireless efforts. I also want to thank Chairman DUNCAN HUNTER and Congressman IKE SKELTON for their leadership and teamwork in producing this conference agreement.

This conference agreement could not have been reached without our dedicated, professional staff. I especially want to recognize the unwavering leadership of the Committee Staff Director, Charlie Abell and the Democratic Staff Director, Rick DeBobs, together with their staff, in bringing this process to a successful conclusion.

As we consider this legislation, we remain a nation at war. This year marks the fourth year in the global war on terrorism. On September 11, 2001, our Nation awakened to a terrorist attack. From this dark hour, our Nation quickly emerged stronger and more united because our Armed Forces, like the generations that preceded them, responded to the call of duty in Operation Enduring Freedom, Operation Iraqi Freedom, and elsewhere around the world in the cause of freedom.

Hundreds of thousands of soldiers, sailors, airmen, marines, active and Reserve components, and countless civilians continue to serve valiantly around the world—from Iraq and Afghanistan to the Persian Gulf, Europe, Africa, and Korea—to secure peace and freedom. All Americans are proud of what our military has accomplished. Their sacrifices and service have removed obstacles to freedom and democracy in the regions of the Middle East and Asia.

We remain mindful that the defense of our homeland begins on distant bat-

tlefields. To the extent that we can prevent or contain the threats on these battlefields or potential battlefields, the less likely that we will experience a threat here at home. The threats to our Nation and the ongoing war on terrorism demand increased investment in our national security.

As we begin this debate, I remain mindful that no military victory is gained without significant sacrifice. I ask that we pause to remember those who died in the defense of our freedom, and the many others who were wounded. We honor their sacrifices and service. On behalf of a grateful Nation, we salute you. They and their families deserve our gratitude and unwavering support.

This year, the House and Senate conferees confronted especially difficult challenges affecting our Nation's security. These issues included U.S. policy on Iraq, detainee policy, and the Navy shipbuilding budget. With respect to these issues, I believe that the conferees reached a balanced agreement.

Overall, the conferees authorized funding of \$441.5 billion in budget authority for defense programs in fiscal year 2006, an increase of \$20.9 billion—or 3.1 percent in real terms—above the amount authorized by the Congress for fiscal year 2005.

The conference report underscores some key defense priorities critical to our national security, including authorities and resources to win the global war on terrorism and support for the men and women of the Armed Forces who are fighting so bravely in the global war on terrorism. Specifically, the conferees added \$586.4 million over the President's budget request for combating terrorism. The conferees also authorized \$50.0 billion in emergency supplemental funding for fiscal year 2006 for activities in support of operations in Iraq, Afghanistan, and the global war on terrorism.

The conferees further agreed to enhance congressional oversight of ongoing military operations in Iraq, Afghanistan, and the global war on terrorism, including uniform standards for interrogation operations, while removing the burden of litigation from vital intelligence activities. The conference report also includes a 3.1 percent pay raise for all military personnel.

In addition, the conference report contains some provisions of which I am very proud that emphasizes our commitment to homeland defense, force protection, recruiting and retention of military personnel, quality of life programs, and modernization and transformation efforts.

To enhance the ability of the Department of Defense to fulfill its homeland defense responsibilities, the conferees agreed to: authorize \$115.2 million for homeland defense and counterterrorism, including \$19.8 million for specially trained and equipped teams to support civil or military authorities in the event of a chemical, biological, radiological, nuclear or high-explosive

attack or event; and enhance the Department's working relationship with the Department of Homeland Security for purposes of leveraging dual-use assets in conducting homeland defense and homeland security missions.

To rapidly deploy and acquire the full range of force protection capabilities for deployed forces, the conferees agreed to authorize an additional \$610.0 million for up-armored high mobility multipurpose wheeled vehicles and wheeled vehicle add-on ballistic protection to provide force protection for soldiers in Iraq and Afghanistan; designate an executive agent for a joint research and treatment effort to treat combat blast injuries resulting from IEDs, rocket propelled grenades, and other attacks; and facilitate the rapid deployment of new technology and tactics and the rapid deployment of equipment to counter the threat of improvised explosive devices.

To improve recruiting goals and retention of military personnel, the conferees agreed to create new and better incentives to meet the challenge of recruiting for the All Volunteer Force; and ensure the retention of experienced personnel in the active-duty ranks, in the Reserve, and in the National Guard.

To continue its commitment to quality health care for all beneficiaries, the conferees agreed to enhance access to health care coverage under TRICARE for every member of the Selected Reserve and their families, with Government subsidies based on new categories of eligibility.

To continue necessary modernization and transformation efforts, the conferees agreed to authorize an increase of \$159.5 million for Navy Shipbuilding to accelerate the CVN-78 aircraft carrier, the LHA (R) amphibious ship, and the second DD(X) destroyer of the class. Much more must be done, however, to achieve stability in the Navy's shipbuilding budget and to protect this fragile sector of our industrial base.

I have a list of some of the highlights of this conference report that I ask unanimous consent to be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. WARNER. Each year since 1961, the House and Senate have reached a conference agreement on, and the President has signed into law, a National Defense Authorization Act. I now call upon my colleagues in this chamber to fulfill our responsibility and pass the annual Defense authorization bill, as has been the tradition of the Senate for each of the past 45 years. This is the 27th year that I have had the privilege of working on this important legislation.

I believe this conference report is a strong bipartisan bill that serves the interests of the men and women of our Armed Forces and of our Nation today. We must send a strong message of support to the men and women in uniform

serving on the distant outposts throughout the world. I can think of no better way to honor their sacrifices and service, and that of their families than with the passage of the National Defense Authorization bill. This conference report provides the authorities and resources to win the global war on terrorism, while safeguarding Americans at home. It sustains the current readiness of the Armed Forces and provides the resources to prepare them for the future.

I yield the floor.

#### EXHIBIT 1

#### APPENDIX A: KEY MILITARY PERSONNEL PROVISIONS—CONFERENCE AGREEMENT NDAA 2006 (H.R. 1815)

##### Active End Strength:

Increases Army end strength by 10,000 to 512,400.

Increases USMC end strength by 1,000 to 179,000.

Pay Raise: Provides 3.1 percent pay raise. The raise is .5 percent above private sector raises and reduces the pay gap to 4.6 percent from 13.5 percent in fiscal year 1999 culminating seven years of enhanced pay raises.

Hardship Duty Pay: Increases maximum monthly rate from \$300 to \$750.

Assignment Incentive Pay: Increases the maximum monthly rate from \$1,500 to \$3,000.

Servicemembers' Group Life Insurance (SGLI): Requires the Secretary of Defense to pay the premium for a minimum coverage of \$150,000 while members who participate in the SGU program are assigned to the other OIF/OEF theater. Also authorizes the Secretary to pay for a larger amount of coverage.

Active Duty Recruiting and Retention Initiatives:

Enlistment bonus—Increases maximum from \$20,000 to \$40,000.

Reenlistment bonus—Increases maximum active duty from \$60,000 to \$90,000.

New recruiting incentive programs—Authorizes Army to develop and implement programs following 45 days notice to Congress.

Recruit referral bonus—Authorizes Army (active duty, reserve, and National Guard) to pay \$1,000 to service members who refer recruit candidates for enlistment and those candidates complete technical training.

Enlistment age—Increases the maximum from 35 years of age to 42.

Service transfer bonus—Authorizes a new maximum bonus of \$2,500 for service members who transfer to armed services requiring skills and experience.

Thrift Savings Plan (TSP)—Authorizes service secretaries to enter agreement with new recruits to pay matching contributions to the TSP and directs the Army to conduct a pilot program on the attractiveness of matching TSP contributions to new recruits.

Weight allowances for shipping household goods—Increases allowances for noncommissioned officers in grades E-7 and above.

##### Reserve Compensation and Benefits:

Income Replacement—Authorizes the Secretary of Defense to pay involuntarily mobilized reserve members on a monthly basis the amount necessary to replace the income differential between their military compensation and the average monthly income received by the member during the twelve months preceding mobilization. Reserve members would be eligible for the income replacement payment for any full month following the date that the member completes 18 continuous months of service on active duty or 24 months on active duty during the previous 60 months, or for any month during

a mobilization that occurs within 6 months of the member's last active duty tour. Payments would be limited to a maximum of \$3,000 each month.

Basic allowance for housing (BAH)—Eliminates an inequity in BAH payments for reservists mobilized for less than 140 days by authorizing reservists to receive the same BAH as active duty members when mobilized for periods greater than 30 days.

Critical skill retention bonus—Authorizes reservists to be paid under the active duty program up to a maximum of \$100,000 over the course of a career.

Enlistment and affiliation bonus—Increases the maximum amount from \$15,000 to \$20,000.

Reenlistment bonus—Extends the period during which bonuses may be paid from 16 years of service to 20 years of service with enlistments continuing till 24 years of service.

##### Survivor Benefits:

Death Gratuity—Extends an increase to \$100,000 to all military deaths (not just combat-related deaths as contemplated in the Tsunami Emergency Supplemental, 2005). Makes payment of the \$100,000 amount retroactive to include all military deaths that occurred on or after October 7, 2001. Makes additional retroactive death gratuity payments of \$150,000 to survivors of all military deaths, not just combat-related deaths, to compensate for the increase in Servicemembers' Group Life Insurance coverage from \$250,000 to \$400,000 that became effective for all military members on May 11, 2005.

Survivors in Family Housing—Extends the period that survivors of members who die on active duty may remain in family housing or received basic allowance for housing from 180 days to 365 days.

Survivors home of selection move—Extends the period of time allowed for surviving family members of members who die on active duty to select a permanent residence from one year to three years.

##### Wounded Member Benefits:

Special pay during medical rehabilitation—Authorizes the secretary concerned to pay \$430 per month to a service member with an injury or illness sustained in a combat operation or zone designated by the Secretary of Defense. The pay would terminate at the end of the first month which the member is paid a benefit under the traumatic injury rider of the Servicemembers' Group Life Insurance (SGLI) or is no longer hospitalized in a military treatment facility or in a facility under the auspices of the military health care system.

Payment for meals while receiving medical care—Extends the authority for members to not pay for meals received at military treatment facilities while undergoing medical care, including outpatient care, for an injury, illness, or disease incurred while serving in support of OIF/OEF, or other combat operation designated by the Secretary of Defense.

Family travel to visit wounded/injured members—Expands the authority for payment of travel and transportation allowances for family members to visit service members hospitalized in the United States to include members who are not considered seriously ill or injured, but who have incurred injuries in a combat operation or combat zone designated by the Secretary of Defense.

##### Retirees:

Concurrent receipt—Reduces from 10 years to just over 4 years the phased implementation of full concurrent receipt of veterans disability compensation and military retired pay for military retirees receiving veterans disability compensation at the rate payable for 100 percent disability by reason of a termination of individual unemployability.

Would authorize such retirees to receive full concurrent receipt of veterans disability compensation and military retired pay on October 1, 2009.

**Reserve Health Care:**

Provides eligibility for TRICARE to all reservists and their families who continue service in the Selected Reserve. Estimated cost: 5-yr: \$880M; 10-yr: \$2.3B (Compared to Taylor-Graham proposal: 5-yr: \$3.8B; 10-yr: \$12B). Three eligibility categories:

Involuntarily mobilized reservists (as in current law): 1 year TRICARE eligibility for every 90 days of mobilized service. DOD cost share: 72 percent.

Persons without employer provided health care, unemployed, self-employed. DOD cost share: 50 percent.

Any person not meeting the above criteria. DOD cost share: 15 percent.

**Uniform Code of Military Justice:**

Strengthens the Uniform Code of Military Justice by revising the offenses relating to rape, sexual assault, and other sexual misconduct and setting interim maximum punishments for the respective offenses.

Also establishes and defines stalking as a separate offense under UCMJ.

Mr. WARNER. I thank our respective leaders, the majority leader and the distinguished Senator from Nevada, and my good friend and partner, our dear Senator LEVIN, and all members of the Armed Services Committee, and particularly our staff that made this bill possible. It has had a long journey. But we are here.

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—CONFERENCE REPORT**

The PRESIDING OFFICER. The clerk will report the conference report.

The assistant legislative clerk read as follows.

A conference report to accompany H.R. 1815 to authorize appropriations for the 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 military personnel strengths for such fiscal year, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of December 18, 2005.)

Mr. WARNER. Mr. President, will the Chair advise the Senate with regard to any time allocation for remarks in connection with the pending matter?

The PRESIDING OFFICER. There was not a time allocation.

Mr. LEVIN. Mr. President, I congratulate Senator WARNER. Without his leadership we would not be here. We had a record number of amendments which we had to deal with in a record short period of time. He showed incredible tenacity and patience and wisdom, as he always does in bipartisanship. I commend him and particularly our staffs.

Mr. President, I thank our leadership as well for their staying with us on this

one. There was a time earlier this year when we didn't think we were going to get an authorization bill, and except for the efforts of our leaders we would not be here either. I want to particularly thank them.

Mr. LEVIN. Mr. President, I am pleased to join my good friend and colleague, Senator WARNER, the Chairman of the Senate Armed Services Committee, in urging the adoption of the conference report on H.R. 1815, the National Defense Authorization Act for Fiscal Year 2006. Getting this conference report to the Senate required the labors of Hercules, the patience of Job and the magic of Merlin. We would not have been able to complete conference on this important bill—made so very urgent by the fact that we are nation at war—without the tireless efforts of Senator WARNER.

First, a word on the extraordinary events of the last few days.

On the Senate side, every one of our conferees—including all 11 Democrats on the Armed Services Committee—signed the conference report. Each of these Senators signed on the basis of the text of the conference report that was agreed to between the Senate and House conferees.

As is our usual practice, we delivered our Senate signature sheets to the House on Friday afternoon, with the understanding that the conference report would be filed first in the House and acted upon first by that body. The Senate stood ready to take up the conference report as soon as it came over from the House and to pass it after 1 hour of debate.

Unfortunately, the conference report was not filed on either Friday or Saturday, because the House Republican leadership was considering adding an extraneous bill to the conference report. This bill was not a part of our conference, is not in the jurisdiction of our committee, and was never considered by any of the conferees. The bill was not a part of the conference report that was agreed to by our conferees on either side of the aisle.

Senator WARNER and I strongly objected to a procedure so totally destructive of bedrock legislative process. When we learned that such an attempt might be made, we joined together and retrieved the Senate signature sheets from the House. Only after we were assured on Sunday afternoon that the conference report would be voted on in the House of Representatives as agreed, with no effort to insert additional material, did we return the Senate signature sheets to the House.

I will ask unanimous consent that a copy of the cover letter that we sent to the House be inserted in the RECORD. I would also make reference to Senator WARNER's remarks in the RECORD on this subject last Friday, and my remarks last Saturday.

Even before the events of the last weekend, the Armed Services Committee faced obstacles and hurdles in completing this bill that we have never faced before. For example:

It took us over 2 months from the time we reported the bill to the Senate on May 15 to the time debate initially began on July 20.

Then, after only 5 days of debate, our bill was pulled down by the majority leader on July 26 when the Senate failed to invoke cloture on the bill. We had to wait over 3 months and negotiate a very complicated unanimous consent agreement which limited the number of amendments before we were able to resume debate on the bill on November 4.

We debated the bill for an additional 7 days and finally passed it by a unanimous 98 to 0 vote on November 15, but not before disposing of a total of 261 amendments—more amendments ever considered to any Defense authorization bill since Congress passed the first annual Defense authorization bill back in 1961.

As far as completing conference this session, there were a lot of people who doubted it could be done because of the sheer size and complexity of this legislation, leaving aside some of its very contentious issues. Over the past 10 years, we have averaged a total of 70 days in conference with the House on this massive bill. Last year alone, we were in conference with the House for a total of 85 days. We completed this conference in under 1 month—29 days, to be exact. We compromised on a lot of issues, but we didn't compromise the quality of this legislation just for the sake of getting it done quickly. In short, we did it right and we are very proud of that. This year, we have produced a true holiday gift for our troops and our Nation.

This conference report contains provisions that provide well-deserved support for our military personnel and their families. In particular, the conference report will:

Increase basic pay by 3.1 percent, a half percent higher than inflation;

Increase the death gratuity for all active duty deaths from \$12,400 to \$100,000, retroactive to the beginning of Operation Enduring Freedom;

Authorize a new special pay of \$430 a month during hospitalization for service members while rehabilitating from an injury or disease incurred in a combat zone;

Authorize a new leave of up to 21 days when adopting a child;

Provide \$30 million in impact aid to local school districts, including a new \$10 million authorization for schools that have a large increase or decrease in students due to rebasing, activation of new military units, or base realignment and closure;

Increase funding for military childcare services by \$50 million, and for family assistance services by \$10 million; and

Create a mental health task force to help military members and families deal with an increasing number of mental health issues.

The bill also contains several provisions especially designed to benefit our