

bill S. 1042, supra; which was ordered to lie on the table.

SA 1389. Mr. THUNE (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, Mr. JOHNSON, Mr. DODD, Ms. COLLINS, Mr. CORZINE, Mr. BINGAMAN, and Mr. DOMENIC) proposed an amendment to the bill S. 1042, supra.

SA 1390. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 1391. Mr. WARNER (for Mr. WYDEN (for himself and Mr. SMITH)) proposed an amendment to the bill S. 1042, supra.

SA 1392. Mr. WARNER proposed an amendment to the bill S. 1042, supra.

SA 1393. Mr. WARNER (for Mr. INOUE) proposed an amendment to the bill S. 1042, supra.

SA 1394. Mr. WARNER (for Mr. SESSIONS) proposed an amendment to the bill S. 1042, supra.

SA 1395. Mr. WARNER (for Mr. REED) proposed an amendment to the bill S. 1042, supra.

SA 1396. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 1042, supra.

SA 1397. Mr. WARNER (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1042, supra.

SA 1398. Mr. WARNER (for Mr. LOTT (for himself and Mr. COCHRAN)) proposed an amendment to the bill S. 1042, supra.

SA 1399. Mr. WARNER (for Mrs. FEINSTEIN (for herself and Mr. GRASSLEY)) proposed an amendment to the bill S. 1042, supra.

SA 1400. Mr. WARNER (for Mr. LOTT) proposed an amendment to the bill S. 1042, supra.

SA 1401. Mr. KENNEDY (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. ROBERTS, Ms. MIKULSKI, Mr. SANTORUM, Mr. LIEBERMAN, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1402. Mr. AKAKA (for himself, Mr. COCHRAN, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1403. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1404. Mr. AKAKA (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1405. Mr. ALLARD (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1406. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1407. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1408. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1409. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1410. Mrs. FEINSTEIN (for herself and Mr. HAGEL) submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1411. Mr. WARNER (for Mr. ENZI (for himself, Mr. JEFFORDS, Mr. GREGG, Mr. KENNEDY, Mr. FRIST, Mrs. MURRAY, and Mr.

BINGAMAN)) proposed an amendment to the bill S. 544, to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely effect patient safety.

SA 1412. Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1337. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 642. INCLUSION OF VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL BY REASON OF UNEMPLOYABILITY UNDER TERMINATION OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION.

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

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

SA 1338. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 573. REQUIREMENT FOR MEMBERS OF THE ARMED FORCES TO DESIGNATE A PERSON TO BE AUTHORIZED TO DIRECT THE DISPOSITION OF THE MEMBER'S REMAINS.

(a) **DESIGNATION REQUIRED.**—Section 655 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

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

“(b) The Secretary concerned shall, upon the enlistment or appointment of a person in the armed forces, require that the person specify in writing the person authorized to direct the disposition of the person’s remains under section 1482 of this title. The Sec-

retary shall periodically, and whenever the member is deployed as part of a contingency operation or in other circumstances specified by the Secretary, require that such designation be reconfirmed, or modified, by the member.”.

(b) **CHANGE IN DESIGNATION.**—Subsection (c) of such section, as redesignated by subsection (a)(1), is amended by inserting “or (b)” after “subsection (a)”.

(c) **PERSONS AUTHORIZED TO DIRECT DISPOSITION OF REMAINS.**—Section 1482(c) of such title is amended—

(1) by striking the matter preceding paragraph (1) and inserting the following:

“(c) The person designated under section 655(b) of this title shall be considered for all purposes to be the person designated under this subsection to direct disposition of the remains of a decedent covered by this chapter. If the person so designated is not available, or if there was no such designation under that section one of the following persons, in the order specified, shall be the person designated to direct the disposition of remains:” and

(2) in paragraph (4), by striking “clauses (1)–(3)” and inserting “paragraph (1), (2), or (3)”.

(d) **EFFECTIVE DATE.**—Subsection (b) of section 655 of title 10, United States Code, as added by subsection (a)(2), shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act and shall be applied to persons enlisted or appointed in the Armed Forces after the end of such period. In the case of persons who are members of the Armed Forces as of the end of such 30-day period, such subsection—

(1) shall be applied to any member who is deployed to a contingency operation after the end of such period; and

(2) in the case of any member not sooner covered under paragraph (1), shall be applied before the end of the 180-day period beginning on the date of the enactment of this Act.

(e) **TREATMENT OF PRIOR DESIGNATIONS.**—

(1) **IN GENERAL.**—A qualifying designation by a decedent covered by section 1481 of title 10, United States Code, shall be treated for purposes of section 1482 of such title as having been made under section 655(b) of such title.

(2) **QUALIFYING DESIGNATIONS.**—For purposes of paragraph (1), a qualifying designation is a designation by a person of the person to be authorized to direct disposition of the remains of the person making the designation that was made before the date of the enactment of this Act and in accordance with regulations and procedures of the Department of Defense in effect at the time.

SA 1339. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 303, strike line 3 and all that follows through page 304, line 24, and insert the following:

(3) For other procurement, \$105,000,000.

(b) **AVAILABILITY OF CERTAIN AMOUNTS.**—Of the amount authorized to be appropriated by subsection (a)(3), \$105,000,000 shall be available for the procurement of so-called “b” armor kits for M1151 and M1152 high mobility multipurpose wheeled vehicles.

SEC. 1404. MARINE CORPS PROCUREMENT.

(a) MARINE CORPS PROCUREMENT.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account of the Marine Corps in the amount of \$340,400,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by subsection (a), \$340,000,000 shall be available for purposes as follows:

- (1) Procurement of Up-Armored Humvees.
- (2) Procurement of so-called “b” armor kits for M1151 and M1152 high mobility multipurpose wheeled vehicles.
- (3) Procurement of M1151 and M1152 high mobility multipurpose wheeled vehicles.

SA 1340. Mr. WYDEN (for himself and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY UNDER CHEMICAL DEMILITARIZATION PROGRAM.

(a) IN GENERAL.—Section 1412(c)(4) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(4)), is amended—

- (1) by inserting “(A)” after “(4)”;
- (2) in the first sentence—
 - (A) by inserting “and tribal organizations” after “State and local governments”; and
 - (B) by inserting “and tribal organizations” after “those governments”;
- (3) in the third sentence—
 - (A) by striking “Additionally, the Secretary” and inserting the following: “(B) Additionally, the Secretary”; and
 - (B) by inserting “and tribal organizations” after “State and local governments”; and
- (4) by adding at the end the following: “(C) In this paragraph, the term ‘tribal organization’ has the meaning given the term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).”

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

- (1) take effect on December 5, 1991; and
- (2) apply to any cooperative agreement entered into on or after that date.

SA 1341. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 330. STUDY ON USE OF GROUND SOURCE HEAT PUMPS.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study on the feasibility of the use of ground source heat pumps in current and future Department of Defense facilities.

(b) ELEMENTS.—The study shall include an examination of—

- (1) the life cycle costs, including maintenance costs, of the operation of such heat pumps compared to generally available heating, cooling, and water heating equipment;
- (2) barriers to installation, such as availability and suitability of terrain; and
- (3) such other matters as the Secretary considers appropriate.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subsection (a).

(d) GROUND SOURCE HEAT PUMP DEFINED.—In this section, the term “ground source heat pump” means an electric powered system that uses the relatively constant temperature of the earth to provide heating, cooling, or hot water.

SA 1342. Mr. FRIST (for himself, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCONNELL, Ms. MURKOWSKI, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. ROBERTS, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Ms. LANDRIEU, 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. 1073. SUPPORT FOR YOUTH ORGANIZATIONS.

(a) SHORT TITLE.—This Act may be cited as the “Support Our Scouts Act of 2005”.

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term “Federal agency” means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term “youth organization”—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

(I) the Boy Scouts of America;

(II) the Girl Scouts of the United States of America;

(III) the Boys Clubs of America;

(IV) the Girls Clubs of America;

(V) the Young Men’s Christian Association;

(VI) the Young Women’s Christian Association;

(VII) the Civil Air Patrol;

(VIII) the United States Olympic Committee;

- (IX) the Special Olympics;
- (X) Campfire USA;
- (XI) the Young Marines;
- (XII) the Naval Sea Cadets Corps;
- (XIII) 4-H Clubs;
- (XIV) the Police Athletic League;
- (XV) Big Brothers—Big Sisters of America; and

(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

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

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America’s National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a “tent city” capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

“(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

“(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

“(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

“(B) reports such a determination to the Congress in a timely manner, and before such support is not provided.”.

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting “or (e)” after “subsection (a)”; and

(2) by adding at the end the following:

“(e) EQUAL ACCESS.—

“(1) DEFINITION.—In this subsection, the term ‘youth organization’ means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

“(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or non-public forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.”.

SA 1343. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 846. INCREASED LIMIT APPLICABLE TO ASSISTANCE PROVIDED UNDER CERTAIN PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.

Section 2414(a)(2) of title 10, United States Code, is amended by striking “\$150,000” and inserting “\$300,000”.

SA 1344. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1009. USE OF FUNDS FOR COSTS ASSOCIATED WITH SPECIAL CATEGORY RESIDENTS AT NAVAL STATION GUANTANAMO BAY, CUBA.

(a) AUTHORIZATION TO USE FUNDS.—The Secretary of the Navy may obligate and expend funds authorized to be appropriated to the Department of the Navy for the purposes of covering the costs associated with Special Category Residents residing at Naval Station Guantanamo Bay, Cuba, including costs associated with medical care, transportation, legal services, and subsistence.

(b) RATIFICATION OF USE OF FUNDS.—Any obligation or expenditure of funds by the Secretary of the Navy for the purposes described in subsection (a) during the period beginning on January 1, 1959, and ending on the date of the enactment of this Act is hereby deemed to have complied with the provisions of section 1301 of title 31, United States Code.

SA 1345. Ms. COLLINS (for herself, Mr. AKAKA, Mr. LIEBERMAN, Mr. CARPER, and Mr. OBAMA) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 292, between lines 15 and 16, insert the following:

SEC. 1106. BID PROTESTS BY FEDERAL EMPLOYEES IN ACTIONS UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-76.

(a) ELIGIBILITY TO PROTEST.—(1) Section 3551(2) of title 31, United States Code, is amended to read as follows:

“(2) The term ‘interested party’—

“(A) with respect to a contract or a solicitation or other request for offers described in paragraph (1), means an actual or prospective bidder or offeror whose direct economic interest would be affected by the award of the contract or by failure to award the contract; and

“(B) with respect to a public-private competition conducted under Office of Management and Budget Circular A-76 regarding performance of an activity or function of a Federal agency, includes—

“(i) any official who submitted the agency tender in such competition; and

“(ii) any one person who, for the purpose of representing them in a protest under this subchapter that relates to such competition, has been designated as their agent by a majority of the employees of such Federal agency who are engaged in the performance of such activity or function.”.

(2)(A) Subchapter V of chapter 35 of such title is amended by adding at the end the following new section:

“§ 3557. Expedited action in protests for Public-Private competitions

“For protests in cases of public-private competitions conducted under Office of Management and Budget Circular A-76 regarding performance of an activity or function of Federal agencies, the Comptroller General shall administer the provisions of this subchapter in a manner best suited for expediting final resolution of such protests and final action in such competitions.”.

(B) The chapter analysis at the beginning of such chapter is amended by inserting after the item relating to section 3556 the following new item:

“3557. Expedited action in protests for public-private competitions.”.

(b) RIGHT TO INTERVENE IN CIVIL ACTION.—Section 1491(b) of title 28, United States Code, is amended by adding at the end the following new paragraph:

“(5) If a private sector interested party commences an action described in paragraph (1) in the case of a public-private competition conducted under Office of Management and Budget Circular A-76 regarding performance of an activity or function of a Federal agency, then an official or person described in section 3551(2)(B) of title 31 shall be entitled to intervene in that action.”.

(c) APPLICABILITY.—Subparagraph (B) of section 3551(2) of title 31, United States Code (as added by subsection (a)), and paragraph (5) of section 1491(b) of title 28, United States Code (as added by subsection (b)), shall apply to—

(1) protests and civil actions that challenge final selections of sources of performance of

an activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A-76 on or after January 1, 2004; and

(2) any other protests and civil actions that relate to public-private competitions initiated under Office of Management and Budget Circular A-76 on or after the date of the enactment of this Act.

SA 1346. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 596. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1135. Cold War service medal

“(a) MEDAL AUTHORIZED.—The Secretary concerned shall issue a service medal, to be known as the ‘Cold War service medal’, to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

“(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

“(1) A person who—

“(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

“(B) completed the person’s initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

“(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

“(2) A person who—

“(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

“(B) completed the person’s initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

“(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

“(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any person.

“(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person described in subsection (b) dies before being issued the Cold War service medal, the medal shall be issued to the person’s representative, as designated by the Secretary concerned.

“(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

“(f) APPLICATION FOR MEDAL.—The Cold War service medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

“(g) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

“(h) DEFINITION.—In this section, the term ‘Cold War’ means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.”.

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

“1135. Cold War service medal.”.

SA 1347. Mrs. CLINTON (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. CONSUMER EDUCATION FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES ON INSURANCE AND OTHER FINANCIAL SERVICES.

(a) EDUCATION AND COUNSELING REQUIREMENTS.—

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

“§ 992. Consumer education: financial services

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

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

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

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

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

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

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

“(A) a component of the members’ initial entry training;

“(B) a component of each level of the members’ professional development training that is required for promotion; and

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

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

“(b) COUNSELING FOR MEMBERS AND SPOUSES.—(1) The Secretary concerned shall provide counseling on financial services to

each member of the armed forces under the jurisdiction of the Secretary.

“(2) The Secretary concerned shall, upon request, provide counseling on financial services to the spouse of any member of the armed forces under the jurisdiction of the Secretary.

“(2) The Secretary concerned shall provide counseling on financial services under this subsection as follows:

“(A) In the case of members, and the spouses of members, assigned to a military installation to which at least 750 members of the armed forces are assigned, through a full-time financial services counselor at such installation.

“(B) In the case of members, and the spouses of members, assigned to a military installation other than an installation described in subparagraph (A), through such mechanisms as the Secretary considers appropriate, including through the provision of counseling by a member of the armed forces in grade E-7 or above, or a civilian, at such installation who provides such counseling as a part of the other duties performed by such member or civilian, as the case may be, at such installation.

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

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

“(5) The Secretary concerned may authorize financial services counseling to be provided to members of a unit of the armed forces by unit personnel under the guidance and with the assistance of a financial services counselor under paragraph (2)(A) or an individual providing counseling on financial services under paragraph (2)(B), as applicable.

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

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

received counseling under paragraph (1) regarding the purchase of coverage under that private sector life insurance.

“(B) Subject to subparagraph (C), a written certification described in subparagraph (A) may not be made with respect to a member’s authorization of allotment as described in subparagraph (A) until 7 days after the date of the member’s authorization of allotment in order to facilitate the provision of counseling to the member under paragraph (1).

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

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

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

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

“(2) Investments in securities or financial instruments.”.

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

“992. Consumer education: financial services.”.

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

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

SA 1348. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 582 of the bill and insert the following:

SEC. 582. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES WITH SIGNIFICANT ENROLLMENT CHANGES IN MILITARY DEPENDENT STUDENTS DUE TO FORCE STRUCTURE CHANGES, TROOP RELOCATIONS, CREATION OF NEW UNITS, AND REALIGNMENT UNDER BRAC.

(a) AVAILABILITY OF ASSISTANCE.—To assist communities making adjustments resulting from changes in the size or location of the Armed Forces, the Secretary of Defense shall make payments to eligible local educational agencies that, during the period between the end of the school year preceding the fiscal year for which the payments are authorized and the beginning of the school year immediately preceding that school year, had (as determined by the Secretary of Defense in consultation with the Secretary of Education) an overall increase or reduction of—

(1) not less than 5 percent in the average daily attendance of military dependent students enrolled in the schools served by the eligible local educational agencies; or

(2) not less than 250 military dependent students enrolled in the schools served by the eligible local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2006, and June 30 of each of the next 2 fiscal years, the Secretary of Defense shall notify each eligible local educational agency for such fiscal year—

(1) that the local educational agency is eligible for assistance under this section; and

(2) of the amount of the assistance for which the eligible local educational agency qualifies, as determined under subsection (c).

(c) AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Education, make assistance available to eligible local educational agencies for a fiscal year on a pro rata basis, as described in paragraph (2).

(2) PRO RATA DISTRIBUTION.—

(A) IN GENERAL.—The amount of the assistance provided under this section to an eligible local educational agency for a fiscal year shall be equal to the product obtained by multiplying—

(i) the per-student rate determined under subparagraph (B) for such fiscal year; by

(ii) the overall increase or reduction in the number of military dependent students in the schools served by the eligible local educational agency, as determined under subsection (a).

(B) PER-STUDENT RATE.—For purposes of subparagraph (A), the per-student rate for a fiscal year shall be equal to the dollar amount obtained by dividing—

(i) the amount of funds available for such fiscal year to provide assistance under this section; by

(ii) the sum of the overall increases and reductions, as determined under subparagraph (A)(ii), for all eligible local educational agencies for that fiscal year.

(d) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse assistance made available under this section for a fiscal year, not later than 30 days after the date on which the Secretary of Defense notified the eligible local educational agencies under subsection (b) for the fiscal year.

(e) CONSULTATION.—The Secretary of Defense shall carry out this section in consultation with the Secretary of Education.

(f) REPORTS.—

(1) REPORTS REQUIRED.—Not later than May 1 of each of the years 2007, 2008, and 2009, 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 assistance provided under this section during the fiscal year preceding the date of such report.

(2) ELEMENT OF REPORT.—Each report described in paragraph (1) shall include an assessment and description of the current compliance of each eligible local educational agency with the requirements of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(g) FUNDING.—Of the amount authorized to be appropriated to the Department of Defense for fiscal years 2006, 2007, and 2008 for operation and maintenance for Defense-wide activities, \$15,000,000 shall be available for each such fiscal year only for the purpose of providing assistance to eligible local educational agencies under this section.

(h) TERMINATION.—The authority of the Secretary of Defense to provide financial assistance under this section shall expire on September 30, 2008.

(i) DEFINITIONS.—In this section:

(1) BASE CLOSURE PROCESS.—The term “base closure process” means the 2005 base closure and realignment process authorized by 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) or any base closure and realignment process

conducted after the date of the enactment of this Act under section 2687 of title 10, United States Code, or any other similar law enacted after that date.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term “eligible local educational agency” means, for a fiscal year, a local educational agency—

(A)(i) for which not less than 20 percent (as rounded to the nearest whole percent) of the students in average daily attendance in the schools served by the local educational agency during the preceding school year were military dependent students that were counted under section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)); or

(ii) that would have met the requirements of clause (i) except for the reduction in military dependent students in the schools served by the local educational agency; and

(B) for which the required overall increase or reduction in the number of military dependent students enrolled in schools served by the local educational agency, as described in subsection (a), occurred as a result of—

(i) the global rebasing plan of the Department of Defense;

(ii) the official creation or activation of 1 or more new military units;

(iii) the realignment of forces as a result of the base closure process; or

(iv) a change in the number of required housing units on a military installation, due to the military housing privatization initiative of the Department of Defense undertaken under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of title 10, United States Code.

(3) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713).

(4) MILITARY DEPENDENT STUDENT.—The term “military dependent student” means—

(A) an elementary school or secondary school student who is a dependent of a member of the Armed Forces; or

(B) an elementary school or secondary school student who is a dependent of a civilian employee of the Department of Defense.

SA 1349. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. CHILD CARE FOR CHILDREN OF MEMBERS OF ARMED FORCES ON ACTIVE DUTY FOR OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) CHILD CARE FOR CHILDREN WITHOUT ACCESS TO MILITARY CHILD CARE.—

(1) IN GENERAL.—In any case where the children of a covered member of the Armed Forces are geographically dispersed and do not have practical access to a military child development center, the Secretary of Defense may, to the extent funds are available for such purpose, provide such funds as are necessary permit the member's family to secure access for such children to State licensed child care and development programs and activities in the private sector that are

similar in scope and quality to the child care and development programs and activities the Secretary would otherwise provide access to under subchapter II of chapter 88 of title 10, United States Code, and other applicable provisions of law.

(2) PROVISION OF FUNDS.—Funds may be provided under paragraph (1) in accordance with the provisions of section 1798 of title 10, United States Code, or by such other mechanism as the Secretary considers appropriate.

(3) PRIORITIES FOR ALLOCATION OF FUNDS IN CERTAIN CIRCUMSTANCES.—The Secretary shall prescribe in regulations priorities for the allocation of funds for the provision of access to child care under paragraph (1) in circumstances where funds are inadequate to provide all children described in that paragraph with access to child care as described in that paragraph.

(b) PRESERVATION OF SERVICES AND PROGRAMS.—The Secretary shall provide for the attendance and participation of children in military child development centers and child care and development programs and activities under subsection (a) in a manner that preserves the scope and quality of child care and development programs and activities otherwise provided by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense \$25,000,000 to carry out this section for fiscal year 2006.

(d) DEFINITIONS.—In this section:

(1) The term “covered members of the Armed Forces” means members of the Armed Forces on active duty, including members of the Reserves who are called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) The term “military child development center” has the meaning given such term in section 1800(1) of title 10, United States Code.

SEC. 654. EMERGENCY FUNDING FOR LOCAL EDUCATIONAL AGENCIES ENROLLING MILITARY DEPENDENT CHILDREN.

(a) SHORT TITLE.—This section may be cited as the “Help for Military Children Affected by War Act of 2005”.

(b) GRANTS AUTHORIZED.—The Secretary of Defense is authorized to award grants to eligible local educational agencies for the additional education, counseling, and other needs of military dependent children who are affected by war or dramatic military decisions.

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE LOCAL EDUCATIONAL AGENCY.—The term “eligible local educational agency” means a local educational agency that—

(A) had a number of military dependent children in average daily attendance in the schools served by the local educational agency during the school year preceding the school year for which the determination is made, that—

(i) equaled or exceeded 20 percent of the number of all children in average daily attendance in the schools served by such agency during the preceding school year; or

(ii) was 1,000 or more,

whichever is less; and

(B) is designated by the Secretary of Defense as impacted by—

(i) Operation Iraqi Freedom;

(ii) Operation Enduring Freedom;

(iii) the global rebasing plan of the Department of Defense;

(iv) the realignment of forces as a result of the base closure process;

(v) the official creation or activation of 1 or more new military units; or

(vi) a change in the number of required housing units on a military installation, due to the Military Housing Privatization Initiative of the Department of Defense.

(2) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning

given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) **MILITARY DEPENDENT CHILD.**—The term “military dependent child” means a child described in subparagraph (B) or (D)(i) of section 8003(a)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)(1)).

(d) **USE OF FUNDS.**—Grant funds provided under this section shall be used for—

(1) tutoring, after-school, and dropout prevention activities for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B);

(2) professional development of teachers, principals, and counselors on the needs of military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B);

(3) counseling and other comprehensive support services for military dependent children with a parent who is or has been impacted by war-related action described in clause (i), (ii), or (iii) of subsection (c)(1)(B), including the hiring of a military-school liaison; and

(4) other basic educational activities associated with an increase in military dependent children.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Department of Defense such sums as may be necessary to carry out this section for fiscal year 2006 and each of the 2 succeeding fiscal years.

(2) **SPECIAL RULE.**—Funds appropriated under paragraph (1) are in addition to any funds made available to local educational agencies under section 582, 583 or 584 of this Act or section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703).

SA 1350. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXII, add the following:
SEC. 2207. WHARF UPGRADES, NAVAL STATION MAYPORT, FLORIDA.

Of the amount authorized to be appropriated by section 2204(a)(4) for the Navy for architectural and engineering services and construction design, \$500,000 shall be available for the design of wharf upgrades at Naval Station Mayport, Florida.

SA 1351. Mr. LAUTENBERG (for himself, Mr. CORZINE, Mrs. CLINTON, and 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 the bill, add the following:

TITLE XXXIV—FINANCING OF TERRORISM
SEC. 3401. SHORT TITLE.

This title may be cited as the “Stop Business with Terrorists Act of 2005”.

SEC. 3402. DEFINITIONS.

In this title:

(1) **CONTROL IN FACT.**—The term “control in fact”, with respect to a corporation or other legal entity, includes—

(A) in the case of—

(i) a corporation, ownership or control (by vote or value) of at least 50 percent of the capital structure of the corporation; and

(ii) any other kind of legal entity, ownership or control of interests representing at least 50 percent of the capital structure of the entity; or

(B) control of the day-to-day operations of a corporation or entity.

(2) **PERSON SUBJECT TO THE JURISDICTION OF THE UNITED STATES.**—The term “person subject to the jurisdiction of the United States” means—

(A) an individual, wherever located, who is a citizen or resident of the United States;

(B) a person actually within the United States;

(C) a corporation, partnership, association, or other organization or entity organized under the laws of the United States, or of any State, territory, possession, or district of the United States;

(D) a corporation, partnership, association, or other organization, wherever organized or doing business, that is owned or controlled in fact by a person or entity described in subparagraph (A) or (C); and

(E) a successor, subunit, or subsidiary of an entity described in subparagraph (C) or (D).

(3) **FOREIGN PERSON.**—The term “foreign person” means—

(A) an individual who is an alien;

(B) a corporation, partnership, association, or any other organization or entity that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) a foreign governmental entity operating as a business enterprise; and

(D) a successor, subunit, or subsidiary of an entity described in subparagraph (B) or (C).

SEC. 3403. CLARIFICATION OF SANCTIONS.

(a) **PROHIBITIONS ON ENGAGING IN TRANSACTIONS WITH FOREIGN PERSONS.**—

(1) **IN GENERAL.**—In the case of a person subject to the jurisdiction of the United States that is prohibited as described in subsection (b) from engaging in a transaction with a foreign person, that prohibition shall also apply to—

(A) each subsidiary and affiliate, wherever organized or doing business, of the person prohibited from engaging in such a transaction; and

(B) any other entity, wherever organized or doing business, that is controlled in fact by that person.

(2) **PROHIBITION ON CONTROL.**—A person subject to the jurisdiction of the United States that is prohibited as described in subsection (b) from engaging in a transaction with a foreign person shall also be prohibited from controlling in fact any foreign person that is engaged in such a transaction whether or not that foreign person is subject to the jurisdiction of the United States.

(b) **IIEPA SANCTIONS.**—Subsection (a) applies in any case in which—

(1) the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or the Trading with the Enemy Act (50 U.S.C. App.) to prohibit a person subject to the jurisdiction of the United States from engaging in a transaction with a foreign person; or

(2) the Secretary of State has determined that the government of a country that has jurisdiction over a foreign person has repeatedly provided support for acts of inter-

national terrorism under section 6(j) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)), or any other provision of law, and because of that determination a person subject to the jurisdiction of the United States is prohibited from engaging in transactions with that foreign person.

(c) **CESSATION OF APPLICABILITY BY DIVESTITURE OR TERMINATION OF BUSINESS.**—

(1) **IN GENERAL.**—In any case in which the President has taken action described in subsection (b) and such action is in effect on the date of enactment of this Act, the provisions of this section shall not apply to a person subject of the jurisdiction of the United States if such person divests or terminates its business with the government or person identified by such action within 1 year after the date of enactment of this Act.

(2) **ACTIONS AFTER DATE OF ENACTMENT.**—In any case in which the President takes action described in subsection (b) on or after the date of enactment of this Act, the provisions of this section shall not apply to a person subject to the jurisdiction of the United States if such person divests or terminates its business with the government or person identified by such action within 1 year after the date of such action.

(d) **PUBLICATION IN FEDERAL REGISTER.**—Not later than 90 days after the date of enactment of this Act, the President shall publish in the Federal Register a list of persons with respect to whom there is in effect a sanction described in subsection (b) and shall publish notice of any change to that list in a timely manner.

SEC. 3404. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

(a) **REQUIREMENT FOR NOTIFICATION.**—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

“SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

“The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in subsection (b) of such Act is amended by adding at the end the following new item:

“Sec. 42. Notification of Congress of termination of investigation by Office of Foreign Assets Control.”.

SEC. 3405. ANNUAL REPORTING.

(a) **SENSE OF CONGRESS.**—It is the sense of the Congress that investors and the public should be informed of activities engaged in by a person that may threaten the national security, foreign policy, or economy of the United States, so that investors and the public can use the information in their investment decisions.

(b) **REGULATIONS.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Securities and Exchange Commission shall issue regulations that require any person subject to the annual reporting requirements of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) to disclose in that person’s annual reports—

(A) any ownership stake of at least 10 percent (or less if the Commission deems appropriate) in a foreign person that is engaging

in a transaction prohibited under section 3403(a) of this title or that would be prohibited if such person were a person subject to the jurisdiction of the United States; and

(B) the nature and value of any such transaction.

(2) PERSON DESCRIBED.—A person described in this section is an issuer of securities, as that term is defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c), that is subject to the jurisdiction of the United States and to the annual reporting requirements of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m).

SA 1352. Mr. REED (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3114. REPORT ON ASSISTANCE FOR COMPREHENSIVE INVENTORY OF RUSSIAN NONSTRATEGIC NUCLEAR WEAPONS.

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

(1) The nonstrategic nuclear weapons of the Russian Federation are insufficiently accounted for and insufficiently secure.

(2) Because of the dangers posed by such insufficient accounting and security, it is in the national security interest of the United States to assist the Russian Federation in the conduct of a comprehensive inventory of its nonstrategic nuclear weapons.

(3) It is in the interests of the United States and Russia to begin negotiations on a verifiable agreement leading to the reduction and dismantlement of nonstrategic Russian nuclear weapons and the corresponding reduction of excess United States nuclear forces.

(4) In the March 2003 Senate resolution advising and consenting to the ratification of the Moscow Treaty, the Senate urged the President “to engage the Russian Federation with the objectives of establishing cooperative measures to give each party to the Treaty improved confidence regarding the accurate accounting and security of nonstrategic nuclear weapons maintained by the other party; and providing the United States or other international assistance to help the Russian Federation ensure the accurate accounting and security of its nonstrategic nuclear weapons.”

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than March 1, 2006, the Secretary of State and the Secretary of Energy shall, in consultation with the Secretary of Defense, submit to Congress a joint report on the accounting for and security of the nonstrategic nuclear weapons of the Russian Federation.

(2) CONTENT.—The report shall include—

(A) An assessment of the actions of the Government of Russia and the United States Government toward the fulfillment of their commitments under the 1991 Presidential Nuclear Initiatives;

(B) an evaluation of the past and current efforts of the United States Government to encourage or facilitate a proper accounting for and securing of the nonstrategic nuclear weapons of the Russian Federation, and the strategy of the United States Government to

overcome obstacles to realize joint measures that would lead to the further withdrawal, reductions, and verifiable dismantlement of Russian and United States substrategic weapons; and

(C) a strategy for, and recommendations regarding, actions by the United States Government that are most likely to lead to progress in improving the accounting for, securing of, and elimination of such weapons.

(c) REVIEW OF UNITED STATES STOCKPILE OF NONSTRATEGIC NUCLEAR WEAPONS.—

(1) REVIEW REQUIRED.—Not later than February 1, 2006, the Secretary of Defense and the Secretary of State shall conduct a joint review of the military missions and strategic rationale for the remaining United States stockpile of nonstrategic nuclear weapons stationed at NATO bases in Europe, including—

(A) an investigation of alternative options for meeting such missions by using other elements of the United States nuclear weapons stockpile; and

(B) an assessment of the circumstances that would facilitate further reductions of the United States stockpile of nonstrategic nuclear weapons.

(2) REPORT REQUIRED.—The Secretary of Defense and the Secretary of State shall submit a joint report on the results of the review under paragraph (1) with the report submitted under subsection (b).

(d) FORM.—The reports required under subsections (b) and (c) shall be submitted in unclassified form, but may include a classified annex.

SA 1353. Mr. SHELBY submitted an amendment intended to be proposed to amendment SA 1311 proposed by Mr. INHOFE to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ CONGRESSIONAL AUTHORITY UNDER DEFENSE PRODUCTION ACT.

Section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) is amended—

(1) in subsection (a)—

(A) by striking “30” and inserting “60”; and

(B) by adding at the end the following: “The findings and recommendations of any such investigation shall be sent immediately to the President and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives for review.”;

(2) in subsection (b)—

(A) by inserting before the first period “, or in such instance at the request of the chairman and ranking member of the Committee on Banking, Housing, and Urban Affairs of the Senate or the Committee on Financial Services of the House of Representatives”;

(B) in paragraph (2), by inserting before the period “, and the findings and recommendations of such investigation shall be sent immediately to the President and to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives for review”;

(C) by striking “30” and inserting “60”;

(3) in subsection (f)—

(A) by striking “designee may” and inserting “designee shall”;

(B) in paragraph (4), by striking “and” at the end;

(C) in paragraph (5), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(6) the long-term projections of United States requirements for sources of energy and other critical resources and materials.”.

(4) in subsection (g)—

(A) by striking “The President” and inserting the following:

“(1) IN GENERAL.—The President”; and

(B) by adding at the end the following:

“(2) QUARTERLY SUBMISSIONS.—The Secretary of the Treasury shall transmit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on a quarterly basis, a detailed summary and analysis of each merger, acquisition, or takeover that is being reviewed, was reviewed during the preceding 90-day period, or is likely to be reviewed in the coming quarter by the President or the President’s designee under subsection (a) or (b). Each such summary and analysis shall be submitted in unclassified form, with classified annexes as the Secretary determines are required to protect company proprietary information and other sensitive information.”; and

(5) by adding at the end the following new subsections:

“(1) CONGRESSIONAL AUTHORITY.—

“(1) IN GENERAL.—If the President does not suspend or prohibit an acquisition, merger, or takeover under subsection (d), the Congress may enact a joint resolution suspending or prohibiting such acquisition, merger, or takeover, not later than 30 days after the date of receipt of findings and recommendations with respect to the transaction under subsection (a) or (b).

“(2) CONSIDERATIONS.—The Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives shall review any findings and recommendations submitted under subsection (a) or (b), and any joint resolution under paragraph (1) of this subsection shall be based on the factors outlined in subsection (f).

“(3) SENATE PROCEDURE.—Any joint resolution under paragraph (1) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976 (Public Law 94-329, 90 Stat. 765).

“(4) HOUSE CONSIDERATION.—For the purpose of expediting the consideration and enactment of a joint resolution under paragraph (1), a motion to proceed to the consideration of any such joint resolution shall be treated as highly privileged in the House of Representatives.

“(m) THOROUGH REVIEW.—The President, or the President’s designee, shall ensure that an acquisition, merger, or takeover that is completed prior to a review or investigation under this section shall be fully reviewed for national security considerations, even in the event that a request for such review is withdrawn.”.

SA 1354. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other

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

At the appropriate place in title V, insert the following:

SEC. ____ . PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE PARALYMPIC GAMES.

Section 717(a)(1) of title 10, United States Code, is amended by striking “and Olympic Games” and inserting “, Olympic Games, and Paralympic Games.”.

SA 1355. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 359, between lines 3 and 4, insert the following:

SEC. 2862. LAND CONVEYANCE, AIR FORCE PROPERTY, LA JUNTA, COLORADO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the City of La Junta, Colorado (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 8 acres located at the USA Bomb Plot in the La Junta Industrial Park for the purpose of training local law enforcement officers.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall require the City to cover costs to be incurred by the Secretary after the date of enactment of the Act, or to reimburse the Secretary for costs incurred by the Secretary after that date, to carry out the conveyance under subsection (a), including any survey costs, costs related to environmental assessments, studies, analyses, or other documentation, and other administrative costs related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 1356. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department

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

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

SEC. 924. AUTHORITY FOR UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY TO RECEIVE FACULTY RESEARCH GRANTS FOR CERTAIN PURPOSES.

Section 9314 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) ACCEPTANCE OF RESEARCH GRANTS.—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

“(2) For purposes of this subsection, a qualifying research grant is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

“(3) An entity referred to in this paragraph is a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

“(4) The Secretary shall establish an account for the administration of funds received as qualifying research grants under this subsection. Funds in the account with respect to a grant shall be used in accordance with the terms and condition of the grant and subject to applicable provisions of the regulations prescribed under paragraph (6).

“(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the United States Air Force Institute of Technology may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

“(6) The Secretary of the Air Force shall prescribe regulations for purposes of the administration of this subsection.”.

SA 1357. Mrs. HUTCHISON (for herself, Mr. NELSON of Florida, and Mr. SESSIONS) submitted an amendment intended to be proposed by her 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 uninterrupted preeminence in human spaceflight.

SA 1358. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 178, strike lines 20 through 24 and insert the following:

(4) Department of Defense participation in the Medicare Advantage Program, formerly Medicare plus Choice;

(5) the use of flexible spending accounts and health savings accounts for military retirees under the age of 65;

(6) incentives for eligible beneficiaries of the military health care system to retain private employer-provided health care insurance;

(7) means of improving integrated systems of disease management, including chronic illness management;

(8) means of improving the safety and efficiency of pharmacy benefits management;

(9) the management of enrollment options for categories of eligible beneficiaries in the military health care system;

(10) reform of the provider payment system, including the potential for use of a pay-for-performance system in order to reward quality and efficiency in the TRICARE System;

(11) means of improving efficiency in the administration of the TRICARE program, to include the reduction of headquarters and redundant management layers, and maximizing efficiency in the claims processing system;

(12) other improvements in the efficiency of the military health care system; and

(13) any other matters the Secretary considers appropriate to improve the efficiency and quality of military health care benefits.

SA 1359. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the

Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 326, in the table following line 4, insert after the item relating to Fairchild Air Force Base, Washington, the following:

Wyoming ...	F.E. Warren Air Force Base.	\$10,000,000
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On page 326, in the table following line 4, strike the amount identified as the total in the amount column and insert "\$1,058,106,000".

On page 329, line 8, strike "\$3,116,982,000" and insert "\$3,126,982,000".

On page 329, line 11, strike "\$923,106,000" and insert "\$933,106,000".

SA 1360. Mr. GRASSLEY (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2602. CONSTRUCTION OF ARMY NATIONAL GUARD READINESS CENTER, IOWA CITY, IOWA.

Of the amount authorized to be appropriated for the Department of the Army for the Army National Guard of the United States under section 2601(1)(A), \$10,724,000 is available for the construction of an Army National Guard Readiness Center in Iowa City, Iowa.

SA 1361. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 244. SEMICONDUCTOR MANUFACTURING AND TECHNOLOGY.

(a) **PLAN TO SUSTAIN UNITED STATES LEADERSHIP.**—The Secretary of Defense shall develop a plan to ensure that the United States sustains its worldwide leadership in semiconductor manufacturing and technology over the long-term.

(b) **CONSULTATION.**—The Secretary of Defense shall consult in the development of the plan required by subsection (a) with the following:

- (1) The Secretary of the Treasury.
- (2) The Secretary of Commerce.
- (3) The United States Trade Representative.
- (4) The Office of Science and Technology Policy.
- (5) The National Science Foundation.

(c) **INCORPORATION OF RECOMMENDATIONS.**—In developing the plan required by subsection (a), the Secretary of Defense shall take into account the recommendations contained in the report of the Defense Science

Board Task Force on High Performance Microchip Supply.

(d) **REPORT.**—Not later than six months 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 House of Representatives a report setting forth the plan developed under subsection (a).

SA 1362. Mr. OBAMA submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 718. REPORT ON THE DEPARTMENT OF DEFENSE COMPOSITE HEALTH CARE SYSTEM II.

(a) **REPORT REQUIRED.**—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the Department of Defense Composite Health Care System II (CHCS II).

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

(1) A chronology and description of previous efforts undertaken to develop an electronic medical records system capable of maintaining a two-way exchange of data between the Department of Defense and the Department of Veterans Affairs.

(2) The plans as of the date of the report, including any projected commencement dates, for the implementation of the Composite Health Care System II.

(3) A statement of the amounts obligated and expended as of the date of the report on the development of a system for the two-way exchange of data between the Department of Defense and the Department of Veterans Affairs, including the Composite Health Care System II.

(4) An estimate of the amounts that will be required for the completion of the Composite Health Care System II.

(5) A detailed description of the manpower allocated as of the date of the report to the development of the Composite Health Care System II.

(6) A description of the software and hardware being considered as of the date of the report for use in the Composite Health Care System II.

(7) A description of the management structure used in the development of the Composite Health Care System II.

(8) A description of the accountability measures utilized during the development of the Composite Health Care System II in order to evaluate progress made in the development of that System.

(9) The schedule for the remaining development of the Composite Health Care System II.

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

(1) the Committees on Armed Services, Appropriations, Veterans' Affairs, and Health, Education, Labor, and Pensions of the Senate; and

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

SA 1363. Mr. GRAHAM (for himself, Mrs. CLINTON, Mr. LEAHY, Mr. LAUTENBERG, Mr. DEWINE, Mr. KERRY, Mr. PRYOR, Mr. REID, Mr. COLEMAN, Mr. DAYTON, Mr. ALLEN, Ms. CANTWELL, Ms. MURKOWSKI, Mr. WARNER, Mr. LEVIN, and Mrs. MURRAY) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 705. EXPANDED ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE UNDER THE TRICARE PROGRAM.

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

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

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

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

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

(b) **CONDITION FOR TERMINATION OF ELIGIBILITY.**—Subsection (b) of such section is amended by striking "(b) PERIOD OF COVERAGE.—(1) TRICARE Standard" and all that follows through "(3) Eligibility" and inserting "(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility".

(c) **CONFORMING AMENDMENTS.**—

(1) Such section is further amended—

(A) by striking subsection (e); and

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

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

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

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

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

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

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

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

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

SA 1364. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. SERVICEMEMBERS RIGHTS UNDER THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968.

(a) IN GENERAL.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (II), by striking “; and” and inserting a semicolon;

(2) in subclause (III), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(IV) notify the homeowner or mortgage applicant by a statement or notice, written in plain English by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependents of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), including the toll-free military one source number to call if servicemembers, or the dependents of such servicemembers, require further assistance.”

(b) NO EFFECT ON OTHER LAWS.—Nothing in this section shall relieve any person of any obligation imposed by any other Federal, State, or local law.

(c) DISCLOSURE FORM.—Not later than 150 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue a final disclosure form to fulfill the requirement of section 106(c)(5)(A)(ii)(IV) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)).

(d) EFFECTIVE DATE.—The amendments made under subsection (a) shall take effect 150 days after the date of enactment of this Act.

SA 1365. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1073. DISCLOSURE OF CERTAIN INFORMATION DURING MILITARY RECRUITMENT ACTIVITIES.

(a) IN GENERAL.—The Secretary of Defense shall require 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.

(b) PARTICULAR INFORMATION.—The information provided under subsection (a) shall include the following:

(1) A description of the so-called “stop loss” authority and of the manner in which exercise of such authority could affect the duration of an individual service on active duty.

(2) A description of the authority for the call or order to active duty of members of

the Individual Ready Reserve and of 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.

(3) A description of any other authorities applicable to the call or order to active duty or 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.

(4) Such other information as the Secretary considers appropriate.

SA 1366. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 309, after line 24, add the following new title:

TITLE XV—TRANSITIONAL SERVICES

SEC. 1501. SHORT TITLE.

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

SEC. 1502. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

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

(1) in subsection (a)—

(A) in paragraph (1), by striking “provide for individual preseparation counseling” and inserting “shall provide individual preseparation counseling”; and

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following:

“(4) For members of the reserve components who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

“(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.”

(2) in subsection (b)—

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

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

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

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

“(C)”;

(B) by adding at the end the following:

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

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

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

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

“(15) Information concerning homelessness, including risk factors, awareness assessment, and contact information for preventative assistance associated with homelessness.

“(16) Contact information for housing counseling assistance.

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

“(18) If a member is eligible, based on a preseparation physical examination, for compensation benefits under the laws administered by the Secretary of Veterans Affairs, a referral for a medical examination by the Secretary of Veterans Affairs (commonly known as a ‘compensation and pension examination’).”

(3) by adding at the end the following:

“(d) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

“(A) preseparation counseling under this section includes material that is specifically relevant to the needs of—

“(i) persons being separated from active duty by discharge from a regular component of the armed forces; and

“(ii) members of the reserve components being separated from active duty;

“(B) the locations at which preseparation counseling is presented to eligible personnel include—

“(i) each military installation under the jurisdiction of the Secretary;

“(ii) each armory and military family support center of the National Guard;

“(iii) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

“(iv) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member;

“(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

“(D) follow up counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

“(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials’ other activities that provide direct training support to personnel who provide preseparation counseling under this section.

“(e) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard, who are separated from long-term duty to which ordered under section 502(f) of title 32, shall be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

“(2) The preseparation counseling provided personnel under paragraph (1) shall include material that is specifically relevant to the needs of such personnel as members of the National Guard.

“(3) The Secretary of Defense shall prescribe, by regulation, the standards for determining long-term duty under paragraph (1).”;

(4) by amending the heading to read as follows:

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

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

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

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

(1) in subsection (a)(1), by striking “paragraph (4)(A)” in the second sentence and inserting “paragraph (6)(A)”;

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

“(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

“(2) The Secretary and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

“(A) Each member who has previously participated in the program.

“(B) Each member who, upon discharge or release from active duty, is returning to—

“(i) a position of employment; or
 “(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.

“(3) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.”; and

(3) by adding at the end the following:

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

SEC. 1503. BENEFITS DELIVERY AT DISCHARGE PROGRAMS.

(a) PLAN FOR MAXIMUM ACCESS TO BENEFITS.—

(1) IN GENERAL.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to benefits delivery at discharge programs for members of the Armed Forces.

(2) CONTENTS.—The plan submitted under paragraph (1) shall include a description of efforts to ensure that services under programs described in paragraph (1) are provided, to the maximum extent practicable—

(A) at each military installation under the jurisdiction of the Secretary;

(B) at each armory and military family support center of the National Guard;

(C) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under such programs are discharged from the armed forces; and

(D) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member.

(b) DEFINITION.—In this section, the term “benefits delivery at discharge program” means a program administered jointly by the Secretary of Defense and the Secretary of

Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for such members may be eligible.

SEC. 1504. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS.—Section 1074f of title 10, United States Code, is amended—

(1) in subsection (b), by striking “(including an assessment of mental health” and inserting “(which shall include mental health screening and assessment”;

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following:

“(c) PHYSICAL MEDICAL EXAMINATIONS.—(1) The Secretary shall—

“(A) prescribe the minimum content and standards that apply for the physical medical examinations required under this section; and

“(B) ensure that the content and standards prescribed under subparagraph (A) are uniformly applied at all installations and medical facilities of the armed forces where physical medical examinations required under this section are performed for members of the armed forces returning from a deployment described in subsection (a).

“(2) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements under this section for—

“(A) a physical medical examination; or

“(B) an assessment.

“(3) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include—

“(A) content and standards for screening mental health disorders; and

“(B) in the case of acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, specific questions to identify stressors experienced by members that have the potential to lead to post-traumatic stress disorder, which questions may be taken from or modeled after the post-deployment assessment questionnaire used in June 2005.

“(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary’s authority under this section) or by the member.

“(d) FOLLOW UP SERVICES.—(1) The Secretary, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a post-deployment medical examination carried out under the system established under this section, receives an indication for a referral for follow up treatment from the health care provider who performs the examination.

“(2) Assistance required to be provided to a member under paragraph (1) includes—

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

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

“(ii) any other care, treatment, and services;

“(B) information on the private sector sources of treatment that are available to the member in the member’s community; and

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

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided to members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report submitted under paragraph (1) shall include—

(A) the number of persons treated;

(B) the types of interventions; and

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

SEC. 1505. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following:

“§ 1154. Veteran-to-veteran preseparation counseling

“(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans’ service organizations and representatives of veterans’ services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

“(b) REQUIRED PROGRAM ELEMENT.—The program under this section shall provide for representatives of military and veterans’ service organizations and representatives of veterans’ services agencies of States to be invited to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title and the benefits delivery at discharge programs.

“(c) LOCATIONS.—The program under this section shall provide for access to members—

“(1) at each installation of the armed forces;

“(2) at each armory and military family support center of the National Guard;

“(3) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

“(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

“(d) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.

“(e) DEFINITIONS.—In this section:

(1) The term ‘benefits delivery at discharge program’ means a program administered jointly by the Secretary and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the armed forces who are separating from the armed forces, including assistance to obtain any disability benefits for which such members may be eligible.

(2) The term ‘representative’, with respect to a veterans’ service organization, means a representative of an organization who is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by adding at the end the following:

“1154. Veteran-to-veteran pre-separation counseling.”.

(b) DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

“§ 1709. Veteran-to-veteran counseling

“(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans’ service organizations and representatives of veterans’ services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on—

“(1) the care and services authorized by this chapter; and

“(2) other benefits and services available under the laws administered by the Secretary.

“(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department and any non-Department facility at which the Secretary furnishes care and services under this chapter.

“(c) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.

“(d) DEFINITION.—In this section, the term ‘veterans’ service organization’ means an organization who is recognized by the Secretary for the representation of veterans under section 5902 of this title.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting after the item relating to section 1708 the following:

“1709. Veteran-to-veteran counseling.”.

SA 1367. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

(a) AUTHORITY TO CONTINUE ALLOWANCE.—Effective as of September 30, 2005, section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking subsections (d) and (e).

(b) CODIFICATION OF REPORTING REQUIREMENT.—Section 411h of title 37, United States Code, is amended by adding at the end the following new subsection:

“(e) If the amount of travel and transportation allowances provided in a fiscal year under clause (ii) of subsection (a)(2)(B) exceeds \$20,000,000, the Secretary of Defense shall submit to Congress a report specifying the total amount of travel and transportation allowances provided under such clause in such fiscal year.”.

(c) CONFORMING AMENDMENT.—Subsection (a)(2)(B)(ii) of such section, as added by section 1026 of division A of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13), is amended by striking “under section 1967(c)(1)(A) of title 38”.

(d) FUNDING.—Funding shall be provided out of existing funds.

SA 1368. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 538. MODIFICATION OF LIMITATION ON NUMBER OF MONTHS MEMBERS OF THE READY RESERVE MAY BE ORDERED TO ACTIVE DUTY WITHOUT THEIR CONSENT.

Section 12302(a) of title 10, United States Code, is amended by striking “24 consecutive months” and inserting “24 cumulative months”.

SA 1369. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 330. CHILD AND FAMILY ASSISTANCE BENEFITS FOR MEMBERS OF THE RESERVES.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—The amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, is hereby increased by \$120,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, as increased by subsection (a), \$120,000,000 may be available as follows:

(1) \$100,000,000 for childcare services for families of members of the National Guard and Reserves who are mobilized.

(2) \$20,000,000 for family assistance centers that primarily serve members of the National Guard and Reserves and their families.

SA 1370. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

SEC. 1205. COMPTROLLER GENERAL REVIEW OF THE UNITED STATES EXPORT CONTROL SYSTEM.

(a) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall carry out a review of the current

United States export control system in order to determine—

(1) the extent to which the export control system is efficient and effective; and

(2) the extent to which the export control system is focused on controlling articles and technology that are critical to the national security of the United States.

(b) MATTERS TO BE ADDRESSED.—In carrying out the review required by subsection (a), the Comptroller General shall address the following:

(1) The percentage of license applications involving commercial components or technologies that were included on the United States Munitions List because such components or technologies were designed or modified for specific military applications.

(2) The extent to which the inclusion of such components or technologies on the Munitions List has had an impact on limiting the ability of foreign countries to build or repair foreign equipment.

(3) The availability of similar or alternative components and technologies from non-United States manufacturers.

(c) REPORT.—Not later than October 1, 2006, the Comptroller General shall submit to the appropriate committees of Congress a report on the review required by subsection (a). The report shall include—

(1) the results of the review; and

(2) such recommendations for legislative or administrative action as the Comptroller General considers appropriate to make the United States export control system more effective, including by reducing controls and paperwork that do not promote United States security and economic interests.

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

(1) the Committees on Armed Services, Appropriations, and Foreign Relations of the Senate; and

(2) the Committees on Armed Services, Appropriations, and International Relations of the House of Representatives.

SA 1371. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 846. ECONOMIC DISADVANTAGE.

Section 8(a)(6) of the Small Business Act (15 U.S.C. 637(a)(6)) is amended to read as follows:

“(6)(A)(i) Economically disadvantaged individuals are those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities, as compared to others in the same business area who are not socially disadvantaged.

“(ii) In determining the degree of diminished credit and capital opportunities of a socially disadvantaged individual for purposes of clause (i), the Administrator shall consider the assets and net worth of that individual as they relates to—

“(I) the assets and net worth of a business owner who is not socially disadvantaged; and

“(II) the capital needs of the primary industry in which the owner of the business is engaged.

“(iii) In determining the economic disadvantage of an Indian tribe for purposes of clause (i), the Administrator shall consider, where available—

“(I) the per capita income of members of the tribe excluding judgment awards;

“(II) the percentage of the local Indian population below the poverty level; and

“(III) the access of the tribe to capital markets.

“(B) Except as provided in paragraph (21), for purposes of this section, an individual who has been determined by the Administrator to be economically disadvantaged at the time of program entry shall be deemed to be economically disadvantaged for the term of the program.

“(C) In computing personal net worth for the purpose of program entry under subparagraph (B), the Administrator shall exclude—

“(i) the value of investments that a disadvantaged owner has in the business concern of the owner, except that such value shall be taken into account under this paragraph when comparing such concerns to other concerns in the same business area that are owned by other than socially disadvantaged persons; and

“(ii) the equity that a disadvantaged owner has in the primary personal residence of the owner.

“(D) The Administrator shall not establish a maximum net worth that prohibits program entry that is less than \$750,000.”

SA 1372. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:
SEC. 1205. THRESHOLDS FOR ADVANCE NOTICE TO CONGRESS OF SALES OR UPGRADES OF DEFENSE ARTICLES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT.

(a) **LETTERS OF OFFER TO SELL.**—Subsection (b) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—
(A) by striking “Subject to paragraph (6), in” and inserting “In”;

(B) by striking “Act for \$50,000,000” and inserting “Act for \$100,000,000”;

(C) by striking “services for \$200,000,000” and inserting “services for \$350,000,000”;

(D) by striking “\$14,000,000” and inserting “\$50,000,000”; and

(E) by inserting “and in other cases if the President determines it is appropriate,” before “before such letter”;

(2) in the first sentence of paragraph (5)(C)—

(A) by striking “Subject to paragraph (6), if” and inserting “If”;

(B) by striking “costs \$14,000,000” and inserting “costs \$50,000,000”;

(C) by striking “equipment, \$50,000,000” and inserting “equipment, \$100,000,000”;

(D) by striking “or \$200,000,000” and inserting “or \$350,000,000”; and

(E) by inserting “and in other cases if the President determines it is appropriate,” before “then the President”; and

(3) by striking paragraph (6).

(b) **EXPORT LICENSES.**—Subsection (c) of section 36 of the Arms Export Control Act is amended—

(1) in the first sentence of paragraph (1)—
(A) by striking “Subject to paragraph (5), in” and inserting “In”;

(B) by striking “\$14,000,000” and inserting “\$50,000,000”;

(C) by striking “services sold under a contract in the amount of \$50,000,000” and inserting “services sold under a contract in the amount of \$100,000,000”; and

(D) by inserting “and in other cases if the President determines it is appropriate,” before “before issuing such”;

(2) in the last sentence of paragraph (2), by striking “(A) and (B)” and inserting “(A), (B), and (C)”; and

(3) by striking paragraph (5).

(c) **PRESIDENTIAL CONSENT.**—Section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) is amended—

(1) in paragraphs (1) and (3)(A)—

(A) by striking “Subject to paragraph (5), the” and inserting “The”;

(B) by striking “\$14,000,000” and inserting “\$50,000,000”; and

(C) by striking “service valued (in terms of its original acquisition cost) at \$50,000,000” and inserting “service valued (in terms of its original acquisition cost) at \$100,000,000”; and

(2) by striking paragraph (5).

SA 1373. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 538. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY MEMBERS OF THE READY RESERVE ON ACTIVE FEDERAL STATUS OR ACTIVE DUTY FOR SIGNIFICANT PERIODS.

(a) **REDUCED ELIGIBILITY AGE.**—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) has attained the eligibility age applicable under subsection (f) to that person;”;

and

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

“(f)(1) Subject to paragraph (2), the eligibility age for the purposes of subsection (a)(1) is 60 years of age.

“(2)(A) In the case of a person who serves on active service (other than for training) for a period of 179 or more consecutive days commencing on or after September 11, 2001, the eligibility age for the purposes of subsection (a)(1) shall be reduced below 60 years of age by one year for each period of 179 consecutive days on which such person so performs, subject to subparagraph (B). A day of duty may be included in only one period of duty for purposes of this paragraph.

“(B) The eligibility age may not be reduced below 50 years of age for any person under subparagraph (A).”

(b) **CONTINUATION OF AGE 60 AS MINIMUM AGE FOR ELIGIBILITY OF NON-REGULAR SERVICE RETIREES FOR HEALTH CARE.**—Section 1074(b) of such title is amended—

(1) by inserting “(1)” after “(b)”; and

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

“(2) Paragraph (1) does not apply to a member or former member entitled to re-

tired pay for non-regular service under chapter 1223 of this title who is under 60 years of age.”

(c) **ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.**—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(d) **EFFECTIVE DATE AND APPLICABILITY.**—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

SA 1374. Mr. ENSIGN proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1205. REPORT ON USE OF RIOT CONTROL AGENTS.

(a) **STATEMENT OF POLICY.**—It remains the longstanding policy of the United States, as provided in Executive Order 11850 (40 Fed Reg 16187) and affirmed by the Senate in the resolution of ratification of the Chemical Weapons Convention, that riot control agents are not chemical weapons but are legitimate, legal, and non-lethal alternatives to the use of lethal force that may be employed by members of the Armed Forces in combat and in other situations for defensive purposes to save lives, particularly for those illustrative purposes cited specifically in Executive Order 11850.

(b) **REPORT REQUIRED.**—

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

(2) **CONTENT.**—The reports required under paragraph (1) shall include—

(A) a listing of international and multilateral forums that occurred in the preceding 12 months at which—

(i) the United States was represented; and
(ii) the issues of the Chemical Weapons Convention, riot control agents, or non-lethal weapons were raised or discussed;

(B) with regard to the forums described in subparagraph (A), a listing of those events at which the attending United States representatives publicly and fully articulated the United States policy with regard to riot control agents, as outlined and in accordance with Executive Order 11850, the Senate resolution of ratification to the Chemical Weapons Convention, and the statement of policy set forth in subsection (a);

(C) a description of efforts by the United States Government to promote adoption by other states-parties to the Chemical Weapons Convention of the United States policy

and position on the use of riot control agents in combat;

(D) the legal interpretation of the Department of Justice with regard to the current legal availability and viability of Executive Order 11850, to include the rationale as to why Executive Order 11850 remains permissible under United States law;

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

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

(G) a description of cases in which riot control agents were employed, or requested to be employed, during combat operations in Iraq since March, 2003.

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

(c) DEFINITIONS.—In this section—

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

(2) the term “resolution of ratification of the Chemical Weapons Convention” means Senate Resolution 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Chemical Weapons Convention.

SA 1375. Mr. ENSIGN proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives that sets forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, or humanitarian missions undertaken by the Department of Defense. Each such quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) COSTS FOR TRAINING FOREIGN TROOPS.—The Secretary of Defense shall detail in the quarterly reports all costs (including incremental costs) incurred in training foreign troops for United Nations peacekeeping duties.

(c) CREDIT AND COMPENSATION.—The Secretary of Defense shall detail in the quarterly reports 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.

SA 1376. Mr. LEVIN (for himself, Mr. WARNER, 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 159, strike line 20 and all that follows through page 161, line 9, and insert the following:

SEC. 641. ENHANCEMENT OF DEATH GRATUITY AND ENHANCEMENT OF LIFE INSURANCE BENEFITS FOR CERTAIN COMBAT RELATED DEATHS.

(a) INCREASED AMOUNT OF DEATH GRATUITY.—

(1) INCREASED AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking “\$12,000” and inserting “\$100,000”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) COORDINATION WITH OTHER ENHANCEMENTS.—If the date of the enactment of this Act occurs before October 1, 2005—

(A) effective as of such date of enactment, the amendments made to section 1478 of title 10, United States Code, by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109-13) are repealed; and

(B) effective immediately before the execution of the amendment made by paragraph (1), the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of the Act referred to in subparagraph (A), shall be revived.

SA 1377. Ms. COLLINS proposed an amendment to amendment SA 1351 proposed by Mr. LAUTENBERG (for himself, Mr. CORZINE, Mrs. CLINTON, and Mr. FEINGOLD) to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ PROHIBITION ON ENGAGING IN CERTAIN TRANSACTIONS.

(a) APPLICATION OF IEEPA PROHIBITIONS TO THOSE ATTEMPTING TO EVADE OR AVOID THE PROHIBITIONS.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

“PENALTIES

“SEC. 206. (a) It shall be unlawful for—

“(1) a person to violate or attempt to violate any license, order, regulation, or prohibition issued under this title;

“(2) a person subject to the jurisdiction of the United States to take any action to evade or avoid, or attempt to evade or avoid, a license, order, regulation, or prohibition issued this title; or

“(3) a person subject to the jurisdiction of the United States to approve, facilitate, or

provide financing for any action, regardless of who initiates or completes the action, if it would be unlawful for such person to initiate or complete the action.

“(b) A civil penalty of not to exceed \$250,000 may be imposed on any person who commits an unlawful act described in paragraph (1), (2), or (3) of subsection (a).

“(c) A person who willfully commits, or willfully attempts to commit, an unlawful act described in paragraph (1), (2), or (3) of subsection (a) shall, upon conviction, be fined not more than \$500,000, or a natural person, may be imprisoned not more than 10 years, or both; and any officer, director, or agent of any person who knowingly participates, or attempts to participate, in such unlawful act may be punished by a like fine, imprisonment, or both.”

(b) PRODUCTION OF RECORDS.—Section 203(a)(2) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(2)) is amended to read as follows:

“(2) In exercising the authorities granted by paragraph (1), the President may require any person to keep a full record of, and to furnish under oath, in the form of reports, testimony, answers to questions, or otherwise, complete information relative to any act or transaction referred to in paragraph (1), either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of such paragraph. The President may require by subpoena or otherwise the production under oath by any person of all such information, reports, testimony, or answers to questions, as well as the production of any required books of accounts, records, contracts, letters, memoranda, or other papers, in the custody or control of any person. The subpoena or other requirement, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.”

(c) CLARIFICATION OF JURISDICTION TO ADDRESS IEEPA VIOLATIONS.—Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is further amended by adding at the end the following:

“(d) The district courts of the United States shall have jurisdiction to issue such process described in subsection (a)(2) as may be necessary and proper in the premises to enforce the provisions of this title.”

SA 1378. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 330. FUNDING PRIORITIES FOR INNOVATIVE READINESS TRAINING PROGRAMS.

In establishing funding priorities for Innovative Readiness Training (IRT) Programs, the Secretary of Defense shall give significant weight to training missions under such programs that enhance United States border security.

SA 1379. Mr. DURBIN (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:

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

SEC. 330. REPORTING OF SERIOUS ADVERSE HEALTH EVENTS.

(a) IN GENERAL.—The Secretary of Defense may not permit a dietary supplement containing a stimulant to be sold on a military installation or in a commissary store, exchange store, or other store under chapter 147 of title 10, United States Code, unless the manufacturer of such dietary supplement submits any report of a serious adverse health event associated with such dietary supplement to the Secretary of Health and Human Services, who shall make such reports available to the Surgeon Generals of the Armed Forces.

(b) EFFECT OF SECTION.—Notwithstanding section 201(ff)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)(2)) and subsection (c)(3) of this section, this section shall not apply to a dietary supplement that is intended to be consumed in liquid form if the only stimulant contained in such supplement is caffeine.

(c) DEFINITIONS.—In this section:

(1) DIETARY SUPPLEMENT.—The term “dietary supplement” has the same meaning given the term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

(2) SERIOUS ADVERSE HEALTH EVENT.—The term “serious adverse health event” means an adverse event that may reasonably be suspected to be associated with the use of a dietary supplement in a human, without regard to whether the event is known to be causally related to the dietary supplement, that—

(A) results in—

- (i) death;
- (ii) a life-threatening experience;
- (iii) inpatient hospitalization or prolongation of an existing hospitalization;
- (iv) a persistent or significant disability or incapacity; or
- (v) a congenital anomaly or birth defect; or

(B) requires, based on reasonable medical judgment, medical or surgical intervention to prevent an outcome described in subparagraph (A).

(3) STIMULANT.—The term “stimulant” means a dietary ingredient that has a stimulant effect on the cardiovascular system or the central nervous system of a human by any means, including—

- (A) speeding metabolism;
- (B) increasing heart rate;
- (C) constricting blood vessels; or
- (D) causing the body to release adrenaline.

SA 1380. Mr. LUGAR (for himself, Mr. LEVIN, Mr. DOMENICI, Mr. OBAMA, Mr. LOTT, Mr. JEFFORDS, Mr. NELSON of Florida, Mr. VOINOVICH, Mr. DODD, Mr. LEAHY, Mr. NELSON of Nebraska, Ms. MURKOWSKI, Mr. KENNEDY, Mr. CHAFEE, Ms. COLLINS, Mr. ALEXANDER, Mr. ALLEN, Mr. SALAZAR, Mr. HAGEL, Mr. DEWINE, Mr. REED, Mr. DORGAN, Mrs. CLINTON, Ms. MIKULSKI, Mr. BIDEN, Ms. STABENOW, Mr. BINGAMAN, Mr. AKAKA, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. ENZI, Mr. CONRAD, Mrs. BOXER, Mr. DURBIN, Mr. SARBANES, Ms. LANDRIEU, Mr. SUNUNU, Mr. BAYH, Mr. SMITH, and Mr. CARPER) proposed an amendment to the bill S. 1042, to authorize appro-

priations 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 302, between lines 2 and 3, insert the following:

SEC. 1306. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION ASSISTANCE.

(a) REPEAL OF RESTRICTIONS.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103-160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—

Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

SA 1381. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 538. MILITARY RETIREMENT CREDIT FOR CERTAIN SERVICE BY NATIONAL GUARD MEMBERS PERFORMED WHILE IN A STATE DUTY STATUS IMMEDIATELY AFTER THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) RETIREMENT CREDIT.—Service of a member of the Ready Reserve of the Army National Guard or Air National Guard described in subsection (b) shall be deemed to be service creditable under section 12732(a)(2)(A)(i) of title 10, United States Code.

(b) COVERED SERVICE.—Service referred to in subsection (a) is full-time State active duty service that a member of the National Guard performed on or after September 11, 2001, and before October 1, 2002, in any of the counties specified in subsection (c) to support a Federal declaration of emergency following the terrorist attacks on the United States of September 11, 2001.

(c) COVERED COUNTIES.—The counties referred to in subsection (b) are the following counties in the State of New York: Bronx, Kings, New York (boroughs of Brooklyn and Manhattan), Queens, Richmond, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester.

(d) APPLICABILITY.—Subsection (a) shall take effect as of September 11, 2001.

SA 1382. Mr. ALLARD submitted an amendment intended to be proposed by

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

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

SEC. 330. REPORT ON AIRCRAFT TO PERFORM HIGH-ALTITUDE AVIATION TRAINING SITE OF THE ARMY NATIONAL GUARD.

Not later than December 15, 2005, the Secretary of the Army shall submit to the congressional defense committee a report containing the following:

(1) An identification of the type of aircraft in the inventory of the Army that is most suitable to perform the High-altitude Aviation Training Site (HAATS) of the Army National Guard.

(2) A schedule for assigning such aircraft to the Training Site.

SA 1383. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3114. MANAGEMENT OF POST-PROJECT COMPLETION RETIREMENT BENEFITS FOR EMPLOYEES AT DEPARTMENT OF ENERGY PROJECT COMPLETION SITES.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Energy shall carry out a program under which the Secretary shall use competitive procedures to enter into an agreement with a contractor for the plan sponsorship and program management of post-project completion retirement benefits for eligible employees at each Department of Energy project completion site.

(2) REQUIREMENT OF NO REDUCTION IN TOTAL VALUE OF RETIREMENT BENEFITS.—The total value of post-project completion retirement benefits provided to eligible employees at a Department of Energy project completion site may not be reduced under the program required under paragraph (1) without the specific authorization of Congress.

(b) AGREEMENT FOR BENEFITS MANAGEMENT.—

(1) IN GENERAL.—The Secretary of Energy shall, in accordance with procurement rules and regulations applicable to the Department of Energy, enter into the agreement described in subsection (a) not later than 90 days after the date of the physical completion date for the Department of Energy project completion site covered by the agreement.

(2) TERMS OF AGREEMENT.—The agreement under this section shall—

(A) provide for the plan sponsorship and program management of post-project completion retirement benefits;

(B) fully describe the post-project completion retirement benefits to be provided to employees at the Department of Energy project completion site; and

(C) require that the Secretary reimburse the contractor for the costs of plan sponsorship and program management of post-project completion retirement benefits.

(3) RENEWAL OF AGREEMENT.—The agreement shall be subject to renewal every 5 years until all the benefit obligations have been met.

(c) REPORT.—

(1) IN GENERAL.—Not later than 30 days after signing of the agreement described in subsection (a), the Secretary of Energy shall submit to the congressional defense committees a report on the program established under such subsection.

(2) CONTENTS.—The report submitted under paragraph (1) shall describe—

(A) the costs of plan sponsorship and program management of post-project completion retirement benefits;

(B) the funding profile in the Department of Energy's future year budget for the plan sponsorship and program management of post-project completion retirement benefits under the agreement entered into under subsection (b);

(C) the amount of unfunded accrued liability for eligible workers at the Department of Energy project completion site; and

(D) the justification for awarding the agreement entered into under subsection (b) to the selected contractor.

(d) DEFINITIONS.—In this section:

(1) PHYSICAL COMPLETION DATE.—The term "physical completion date" means—

(A) the date of physical completion or achievement of a similar milestone defined by or calculated in accordance with the terms of the completion project contract; or

(B) if the completion project contract specifies no such date, the date declared by the site contractor and accepted by the Department of Energy that the site contractor has completed all services required by the project completion contract other than close-out tasks and any other tasks excluded from the contract.

(2) DEPARTMENT OF ENERGY PROJECT COMPLETION SITE.—The term "Department of Energy project completion site" means a site, or a project within a site, in the Department of Energy's nuclear weapons complex that has been designated by the Secretary of Energy for closure or completion without any identified successor contractor.

(3) POST-PROJECT COMPLETION RETIREMENT BENEFITS.—The term "post-project completion retirement benefits" means those benefits provided to eligible employees at a Department of Energy project completion site as of the physical completion date through collective bargaining agreements, projects, or contracts for work scope, including pension, health care, life insurance benefits, and other applicable welfare benefits.

(4) ELIGIBLE EMPLOYEES.—The term "eligible employees" includes—

(A) any employee who—

(i) was employed by the Department of Energy or by contract or first or second tier subcontract to perform cleanup, security, or administrative duties or responsibilities at a Department of Energy project completion site; and

(ii) has met applicable eligibility requirements for post-project completion retirement benefits as of the physical completion date; and

(B) any eligible dependant of such an employee, as defined in the post-project completion retirement benefits plan documents.

(5) UNFUNDED ACCRUED LIABILITY.—The term "unfunded accrued liability" means, with respect to eligible employees, the accrued liability, as determined in accordance with an actuarial cost method, that exceeds the present value of the assets of a pension

plan and the aggregate projected life-cycle health care costs.

(6) PLAN SPONSORSHIP AND PROGRAM MANAGEMENT OF POST-PROJECT COMPLETION RETIREMENT BENEFITS.—The term "plan sponsorship and program management of post-project completion retirement benefits" means those duties and responsibilities that are necessary to execute, and are consistent with, the terms and legal responsibilities of the instrument under which the post-project completion retirement benefits are provided to employees at a Department of Energy project completion site.

SA 1384. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 824. REPORTS ON CERTAIN DEFENSE CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report that lists and describes each task or delivery order contract or other contract related to security and reconstruction activities in Iraq and Afghanistan in which an audit conducted by an investigative or audit component of the Department of Defense during the 90-day period ending on the date of such report resulted in a finding described in subsection (b).

(2) COVERAGE OF SUBCONTRACTS.—For purposes of this section, any reference to a contract shall be treated as a reference to such contract and to any subcontracts under such contract.

(b) COVERED FINDING.—A finding described in this subsection with respect to a task or delivery order contract or other contract described in subsection (a) is a finding by an investigative or audit component of the Department of Defense that the contract includes costs that are unsupported, questioned, or both.

(c) REPORT INFORMATION.—Each report under subsection (a) shall include, with respect to each task or delivery order contract or other contract covered by such report—

(1) a description of the costs determined to be unsupported, questioned, or both; and

(2) a statement of the amount of such unsupported or questioned costs and the percentage of the total value of such task or delivery order that such costs represent.

(d) WITHHOLDING OF PAYMENTS.—In the event that any costs under a task or delivery order contract or other contract described in subsection (a) are determined by an investigative or audit component of the Department of Defense to be unsupported, questioned, or both, the appropriate Federal procurement personnel shall withhold from amounts otherwise payable to the contractor under such contract a sum equal to 100 percent of the total amount of such costs.

(e) RELEASE OF WITHHELD PAYMENTS.—Upon a subsequent determination by the appropriate Federal procurement personnel, or investigative or audit component of the Department of Defense, that any unsupported or questioned costs for which an amount

payable was withheld under subsection (d) has been determined to be allowable, the appropriate Federal procurement personnel may release such amount for payment to the contractor concerned.

(f) INCLUSION OF INFORMATION ON WITHHOLDING AND RELEASE IN QUARTERLY REPORTS.—Each report under subsection (a) after the initial report under that subsection shall include the following:

(1) A description of each action taken under subsection (d) or (e) during the period covered by such report.

(2) A justification of each determination under subsection (d) or (e) that appropriately explains the determination of the appropriate Federal procurement personnel in terms of reasonableness, allocability, or other factors affecting the acceptability of the costs concerned.

(g) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committees on Appropriations, Armed Services, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, and Government Reform of the House of Representatives.

(2) The term "investigative or audit component of the Department of Defense" means any of the following:

(A) The Office of the Inspector General of the Department of Defense.

(B) The Defense Contract Audit Agency.

(C) The Defense Contract Management Agency.

(D) The Army Audit Agency.

(E) The Naval Audit Service.

(F) The Air Force Audit Agency.

(3) The term "questioned", with respect to a cost, means an unreasonable, unallocable, or unallowable cost.

SA 1385. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

SEC. 653. LIABILITY FOR NONCOMPLIANCE WITH SERVICEMEMBERS CIVIL RELIEF ACT.

(a) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—CIVIL LIABILITY AND ENFORCEMENT

"SEC. 801. CIVIL LIABILITY FOR NONCOMPLIANCE.

"(a) IN GENERAL.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this Act with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

"(1) any actual damages sustained by such servicemember or dependent as a result of the failure;

"(2) such additional damages as the court may allow, in an amount not less than \$100 or more than \$5,000 (as determined appropriate by the court), for each violation; and

"(3) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

“(b) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.

“SEC. 802. ADMINISTRATIVE ENFORCEMENT.

“(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—(1) Except as provided in subsection (b), compliance with the requirements imposed by this Act shall be enforced by the Federal Trade Commission in accordance with the Federal Trade Commission Act with respect to entities and persons subject to the Federal Trade Commission Act.

“(2) For the purpose of the exercise by the Commission under this subsection of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed by this Act shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act, and shall be subject to enforcement by the Commission with respect to any entity or person subject to enforcement by the Commission pursuant to this subsection, irrespective of whether such person or entity is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.

“(3) The Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed by this Act and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this Act.

“(4) Any person or entity violating any provision of this Act shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act as though the applicable terms and provisions of the Federal Trade Commission Act were part of this Act.

“(5)(A) The Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person or entity that has engaged in such violation. In such action, such person or entity shall be liable, in addition to any amounts otherwise recoverable, for a civil penalty in the amount of \$5,000 to \$50,000, as determined appropriate by the court for each violation.

“(B) In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

“(b) ENFORCEMENT BY OTHER REGULATORY AGENCIES.—Compliance with the requirements imposed by this Act with respect to financial institutions shall be enforced under—

“(1) section 8 of the Federal Deposit Insurance Act, in the case of—

“(A) national banks, and Federal branches and Federal agencies of foreign banks, and any subsidiaries of such (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Office of the Comptroller of the Currency;

“(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign

banks), commercial lending companies owned or controlled by foreign banks, and organization operating under section 25 or 25A of the Federal Reserve Act, and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Governors of the Federal Reserve System; and

“(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Directors of the Federal Deposit Insurance Corporation;

“(2) section 8 of the Federal Deposit Insurance Act, by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation and any subsidiaries of such saving associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers);

“(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any federally insured credit union, and any subsidiaries of such an entity;

“(4) State insurance law, by the applicable State insurance authority of the State in which a person is domiciled, in the case of a person providing insurance; and

“(5) the Federal Trade Commission Act, by the Federal Trade Commission for any other financial institution or other person that is not subject to the jurisdiction of any agency or authority under paragraphs (1) through (4).”

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new items:

“TITLE VIII—CIVIL LIABILITY AND ENFORCEMENT

“Sec. 801. Civil liability for noncompliance.

“Sec. 802. Administrative enforcement.”

SA 1386. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 371, between lines 8 and 9, insert the following:

SEC. 2887. EFFECT OF CERTAIN FACILITIES ADMINISTRATION AND MILITARY HOUSING ACTIVITIES ON ALLOCATIONS OR ELIGIBILITY OF MILITARY INSTALLATIONS FOR POWER FROM FEDERAL POWER MARKETING AGENCIES.

Notwithstanding any other provision of law, a Federal power marketing agency may not terminate the eligibility of a military installation for power, or reduce the allocation of power to a military installation, as a result of the exercise at the military installation of any authority as follows:

(1) The conveyance of a utility system of the military installation under section 2688 of title 10, United States Code.

(2) The acquisition or improvement of military housing for the military installation

under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of title 10, United States Code.

SA 1387. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 31 . SAVANNAH RIVER NATIONAL LABORATORY.

The Savannah River National Laboratory shall be a participating laboratory in the Department of Energy laboratory directed research and development program.

SA 1388. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10 . ESTABLISHMENT OF THE USS OKLAHOMA MEMORIAL.

(a) SITE AND FUNDING FOR MEMORIAL.—Not later than 6 months after the date of enactment of this section, the Secretary of the Navy, in consultation with the Secretary of the Interior shall identify an appropriate site on Ford Island for a memorial for the USS Oklahoma consistent with the “Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials, April 2005”. The USS Oklahoma Foundation shall be solely responsible for raising the funds necessary to design and erect a dignified and suitable memorial to the naval personnel serving aboard the USS Oklahoma when it was attacked on December 7, 1941.

(b) ADMINISTRATION AND MAINTENANCE OF MEMORIAL.—After the site has been selected, the Secretary of the Interior shall administer and maintain the site as part of the USS Arizona Memorial, a unit of the National Park System, in accordance with the laws and regulations applicable to land administered by the National Park Service and any Memorandum of Understanding between the Secretary of the Navy and the Secretary of the Interior. The Secretary of the Navy shall continue to have jurisdiction over the land selected as the site.

(c) FUTURE MEMORIALS.—Any future memorials for U.S. Naval Vessels that were attacked at Pearl Harbor on December 7, 1941, shall be consistent with the “Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials, April 2005”.

SA 1389. Mr. THUNE (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. LAUTENBERG, Mr. JOHNSON, Mr. DODD, Ms. COLLINS, Mr. CORZINE, Mr. BINGAMAN and Mr. DOMENICI) 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 371, between lines 8 and 9, insert the following:

SEC. 2887. POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

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—

(1) by adding at the end the following:

“SEC. 2915. POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

“(a) IN GENERAL.—Notwithstanding any other provision of this part, the round of defense base closure and realignment otherwise scheduled to occur under this part in 2005 by reasons of sections 2912, 2913, and 2914 shall occur instead in the year following the year in which the last of the actions described in subsection (b) occurs (in this section referred to as the ‘postponed closure round year’).”

“(b) ACTIONS REQUIRED BEFORE BASE CLOSURE ROUND.—(1) The actions referred to in subsection (a) are the following actions:

“(A) The complete analysis, consideration, and, where appropriate, implementation by the Secretary of Defense of the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States.

“(B) The return from deployment in the Iraq theater of operations of substantially all (as determined by the Secretary of Defense) major combat units and assets of the Armed Forces.

“(C) The receipt by the Committees on Armed Services of the Senate and the House of Representatives of the report on the quadrennial defense review required to be submitted in 2006 by the Secretary of Defense under section 118(d) of title 10, United States Code.

“(D) The complete development and implementation by the Secretary of Defense and the Secretary of Homeland Security of the National Maritime Security Strategy.

“(E) The complete development and implementation by the Secretary of Defense of the Homeland Defense and Civil Support directive.

“(F) The receipt by the Committees on Armed Services of the Senate and the House of Representatives of a report submitted by the Secretary of Defense that assesses military installation needs taking into account—

“(i) relevant factors identified through the recommendations of the Commission on Review of Overseas Military Facility Structure of the United States;

“(ii) the return of the major combat units and assets described in subparagraph (B);

“(iii) relevant factors identified in the report on the 2005 quadrennial defense review;

“(iv) the National Maritime Security Strategy; and

“(v) the Homeland Defense and Civil Support directive.

“(2) The report required under subparagraph (F) of paragraph (1) shall be submitted not later than one year after the occurrence of the last action described in subparagraphs (A) through (E) of such paragraph.

“(c) ADMINISTRATION.—For purposes of sections 2912, 2913, and 2914, each date in a year that is specified in such sections shall be deemed to be the same date in the postponed closure round year, and each reference to a fiscal year in such sections shall be deemed to be a reference to the fiscal year that is the number of years after the original fiscal year that is equal to the number of years

that the postponed closure round year is after 2005.”; and

(2) in section 2904(b)(1)—

(A) in subparagraph (A), by striking “the date on which the President transmits such report” and inserting “the date by which the President is required to transmit such report”; and

(B) in subparagraph (B), by striking “such report is transmitted” and inserting “such report is required to be transmitted”.

SA 1390. 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 title XI, add the following:

SEC. 1106. INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE EMPLOYEES.

Section 1606(a) of title 10, United States Code, is amended by striking “544” and inserting “the following:

“(1) In fiscal year 2005, 544.

“(2) In fiscal year 2006, 619.

“(3) In fiscal years after fiscal year 2006, 694.”.

SA 1391. Mr. WARNER (for Mr. WYDEN, (for himself and 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 378, between lines 10 and 11, insert the following:

SEC. 3. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY UNDER CHEMICAL DEMILITARIZATION PROGRAM.

(a) IN GENERAL.—Section 1412(c)(4) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(4)), is amended—

(1) by inserting “(A)” after “(4)”;

(2) in the first sentence—

(A) by inserting “and tribal organizations” after “State and local governments”; and

(B) by inserting “and tribal organizations” after “those governments”;

(3) in the third sentence—

(A) by striking “Additionally, the Secretary” and inserting the following:

“(B) Additionally, the Secretary”; and

(B) by inserting “and tribal organizations” after “State and local governments”; and

(4) by adding at the end the following:

“(C) In this paragraph, the term ‘tribal organization’ has the meaning given the term in section 4(f) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(f)).”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

(1) take effect on December 5, 1991; and

(2) apply to any cooperative agreement entered into on or after that date.

SA 1392. 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 IX, add the following:

SEC. 903. PROVISION OF AUDIOVISUAL SUPPORT SERVICES BY THE WHITE HOUSE COMMUNICATIONS AGENCY.

(a) PROVISION ON NONREIMBURSABLE BASIS.—Section 912 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2623; 10 U.S.C. 111 note) is amended—

(1) in subsection (a)—

(A) in the subsection caption, by inserting “AND AUDIOVISUAL SUPPORT SERVICES” after “TELECOMMUNICATIONS SUPPORT”; and

(B) by inserting “and audiovisual support services” after “provision of telecommunications support”; and

(2) in subsection (b), by inserting “and audiovisual” after “other than telecommunications”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to the provision of audiovisual support services by the White House Communications Agency in fiscal years beginning on or after that date.

SA 1393. Mr. WARNER (for Mr. INOUE) 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 IX, add the following:

SEC. 924. UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

“§2117. United States Military Cancer Institute

“(a) ESTABLISHMENT.—(1) There is a United States Military Cancer Institute in the University. The Director of the United States Military Cancer Institute is the head of the Institute.

“(2) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for participation in the Institute.

“(3) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

(b) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

“(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

“(B) The prevention and early detection of cancer.

“(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

“(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

“(c) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies

under subsection (b) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

“(d) ANNUAL REPORT.—(1) Promptly after the end of each fiscal year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the results of the research studies carried out under subsection (b).

“(2) Not later than 60 days after receiving the annual report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.”.

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

“2117. United States Military Cancer Institute.”.

SA 1394. Mr. WARNER (for Mr. SESSIONS) 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 II, add the following:

SEC. 213. TELEMEDICINE AND ADVANCED TECHNOLOGY RESEARCH CENTER.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by \$1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), \$1,000,000 may be available for Medical Advanced Technology (PE #603002A) for the Telemedicine and Advanced Technology Research Center.

(c) OFFSET.—The amount authorized to be appropriated by section 101(4) for procurement of ammunition for the Army is hereby reduced by \$1,000,000, with the amount of the reduction to be allocated to amounts available for Ammunition Production Base Support, Production Base Support for the Missile Recycling Center (MRC).

SA 1395. Mr. WARNER (for Mr. REED) 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 II, add the following:

SEC. 213. TOWED ARRAY HANDLER.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604503N for the design, development, and test of improvements to the towed array handler is hereby increased by \$5,000,000 in order to increase the reliability of the towed array and the towed array handler by capitalizing on ongoing testing and evaluation of such systems.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604558N for new design for the Virginia Class submarine for the large aperture bow array is hereby reduced by \$5,000,000.

SA 1396. Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 310, in the table following line 16, strike “\$39,160,000” in the amount column of the item relating to Fort Wainwright, Alaska, and insert “\$44,660,000”.

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert “\$2,000,622,000”.

On page 313, line 4, strike “\$2,966,642,000” and insert “\$2,972,142,000”.

On page 313, line 7, strike “\$1,007,222,000” and insert “\$1,012,722,000”.

On page 326, in the table following line 4, strike “\$92,820,000” in the amount column of the item relating to Elmendorf Air Force Base, Alaska, and insert “\$84,820,000”.

On page 326, in the table following line 4, strike the amount identified as the total in the amount column and insert “\$1,040,106,000”.

On page 329, line 8, strike “\$3,116,982,000” and insert “\$3,008,982,000”.

On page 329, line 11, strike “\$923,106,000” and insert “\$915,106,000”.

SA 1397. Mr. WARNER (for 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 326, in the table following line 4, strike the item relating to Los Angeles Air Force Base, California.

On page 326, in the table following line 4, strike “\$6,800,000” in the amount column of the item relating to Fairchild Air Force Base, Washington, and insert “\$8,200,000”.

On page 326, in the table following line 4, strike the amount identified as the total in the amount column and insert “\$1,047,006,000”.

On page 329, line 8, strike “\$3,116,982,000” and insert “\$3,115,882,000”.

On page 329, line 11, strike “\$923,106,000” and insert “\$922,006,000”.

On page 336, line 22, strike “\$464,680,000” and insert “\$445,100,000”.

On page 337, line 2, strike “\$245,861,000” and insert “\$264,061,000”.

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

SEC. 2602. SPECIFIC AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION PROJECTS.

(a) CAMP ROBERTS, CALIFORNIA.—Of the amount authorized to be appropriated for the Department of the Army for the Army National Guard of the United States under section 2601(1)(A)—

(1) \$1,500,000 is available for the construction of an urban combat course at Camp Roberts, California; and

(2) \$1,500,000 is available for the addition or alteration of a field maintenance shop at Fort Dodge, Iowa.

SEC. 2603. CONSTRUCTION OF FACILITIES, NEW CASTLE COUNTY AIRPORT AIR GUARD BASE, DELAWARE.

Of the amount authorized to be appropriated for the Department of the Air Force for the Air National Guard of the United States under section 2601(3)(A)—

(1) \$1,400,000 is available for the construction of a security forces facility at New Castle County Airport Air Guard Base, Delaware; and

(2) \$1,500,000 is available for the construction of a medical training facility at New Castle County Airport Air Guard Base, Delaware.

SA 1398. Mr. WARNER (for Mr. LOTT (for himself and Mr. COCHRAN)) 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 18, beginning on line 20, strike “and advance construction” and insert “advance construction, detail design, and construction”.

On page 19, beginning on line 10, strike “fiscal year 2007” and insert “fiscal year 2006”.

On page 19, between lines 18 and 19, insert the following:

(e) FUNDING AS INCREMENT OF FULL FUNDING.—The amounts available under subsections (a) and (b) for the LHA Replacement ship are the first increments of funding for the full funding of the LHA Replacement (LHA(R)) ship program.

SA 1399. Mr. WARNER (for Mrs. FEINSTEIN (for herself and Mr. GRASSLEY)) 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:

Strike section 1021 and insert the following:

SEC. 1021. TRANSFER OF BATTLESHIPS.

(a) TRANSFER OF BATTLESHIP WISCONSIN.—The Secretary of the Navy is authorized—

(1) to strike the Battleship U.S.S. WISCONSIN (BB-64) from the Naval Vessel Register; and

(2) subject to section 7306 of title 10, United States Code, to transfer the vessel by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the vessel in the Commonwealth of Virginia.

(b) TRANSFER OF BATTLESHIP IOWA.—The Secretary of the Navy is authorized—

(1) to strike the Battleship U.S.S. IOWA (BB-61) from the Naval Vessel Register; and

(2) subject to section 7306 of title 10, United States Code, to transfer the vessel by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the vessel in the State of California.

(c) INAPPLICABILITY OF NOTICE AND WAIT REQUIREMENT.—Notwithstanding any provision of subsection (a) or (b), section 7306(d) of

title 10, United States Code, shall not apply to the transfer authorized by subsection (a) or the transfer authorized by subsection (b).

(d) REPEAL OF SUPERSEDED REQUIREMENTS AND AUTHORITIES.—

(1) Section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 421) is repealed.

(2) Section 1011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2118) is repealed.

SA 1400. Mr. WARNER (for Mr. LOTT) 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 VI, add the following:

SEC. 642. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking “Chief Operating Officer” each place it appears and inserting “Chief Executive Officer”; and

(B) in subsection (e)(1), by striking “Chief Operating Officer’s” and inserting “Chief Executive Officer’s”.

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking “Chief Operating Officer” each place it appears in a provision as follows and inserting “Chief Executive Officer”:

- (A) In section 1511 (24 U.S.C. 411).
- (B) In section 1512 (24 U.S.C. 412).
- (C) In section 1513(a) (24 U.S.C. 413(a)).
- (D) In section 1514(c)(1) (24 U.S.C. 414(c)(1)).
- (E) In section 1516(b) (24 U.S.C. 416(b)).
- (F) In section 1517 (24 U.S.C. 417).
- (G) In section 1518(c) (24 U.S.C. 418(c)).
- (H) In section 1519(c) (24 U.S.C. 419(c)).
- (I) In section 1521(a) (24 U.S.C. 421(a)).
- (J) In section 1522 (24 U.S.C. 422).
- (K) In section 1523(b) (24 U.S.C. 423(b)).
- (L) In section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

“SEC. 1515. CHIEF EXECUTIVE OFFICER.”

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

“Sec. 1515. Chief Executive Officer.”.

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) PHYSICIANS AND DENTISTS FOR EACH RETIREMENT HOME FACILITY.—Section 1513 of such Act (24 U.S.C. 413) is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsections (b), (c), and (d)”; and

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

“(c) PHYSICIANS AND DENTISTS FOR EACH RETIREMENT HOME FACILITY.—(1) In providing for the health care needs of residents under subsection (c), the Retirement Home shall have in attendance at each facility of the Retirement Home, during the daily busi-

ness hours of such facility, a physician and a dentist, each of whom shall have skills and experience suited to residents of such facility.

“(2) In providing for the health care needs of residents, the Retirement shall also have available to residents of each facility of the Retirement Home, on an on-call basis during hours other than the daily business hours of such facility, a physician and a dentist each of whom have skills and experience suited to residents of such facility.

“(3) In this subsection, the term ‘daily business hours’ means the hours between 9 o’clock ante meridian and 5 o’clock post meridian, local time, on each of Monday through Friday.”.

(c) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—Section 1513 of such Act is further amended—

(1) in the third sentence of subsection (b), by inserting “, except as provided in subsection (d),” after “shall not”; and

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

“(d) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—The Retirement Home shall provide to any resident of a facility of the Retirement Home, upon request of such resident, transportation to any medical facility located not more than 30 miles from such facility for the provision of medical care to such resident. The Retirement Home may not collect a fee from a resident for transportation provided under this subsection.”.

(d) MILITARY DIRECTOR FOR EACH RETIREMENT HOME.—Section 1517(b)(1) of such Act (24 U.S.C. 417(b)(1)) is amended by striking “a civilian with experience as a continuing care retirement community professional or”.

SA 1401. Mr. KENNEDY (for himself, Ms. COLLINS, Mrs. CLINTON, Mr. ROBERTS, Ms. MIKULSKI, Mr. SANTORUM, Mr. LIEBERMAN, and Mrs. DOLE) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 213. DEFENSE BASIC RESEARCH PROGRAMS.

(a) ARMY PROGRAMS.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by \$10,000,000.

(2) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), \$10,000,000 shall be available for Program Element 0601103A for University Research Initiatives.

(b) NAVY PROGRAMS.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by \$10,000,000.

(2) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), \$10,000,000 shall be available for Program Element 0601103N for University Research Initiatives.

(c) AIR FORCE PROGRAMS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and

evaluation for the Air Force is hereby increased by \$10,000,000.

(2) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), \$10,000,000 shall be available for Program Element 0601103F for University Research Initiatives.

(d) DEFENSE-WIDE ACTIVITIES.—(1) The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by \$20,000,000.

(2) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1)—

(A) \$10,000,000 shall be available for Program Element 0601120D8Z for the SMART National Defense Education Program; and

(B) \$10,000,000 shall be available for Program Element 0601101E for the Defense Advanced Research Projects Agency for fundamental research in computer science and cybersecurity.

(e) OFFSET.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby reduced by \$50,000,000, with the amount of the reduction to be allocated to amounts available for information technology initiatives.

(f) SENSE OF SENATE.—It is the sense of the Senate that it should be a goal of the Department of Defense to allocate to basic research programs each fiscal year an amount equal to 15 percent of the funds available to the Department of Defense for science and technology in such fiscal year.

SA 1402. Mr. AKAKA (for himself, Mr. COCHRAN, and Mr. DODD) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1073. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.

(a) ESTABLISHMENT.—There is established the National Foreign Language Coordination Council (in this section referred to as the “Council”), which shall be an independent establishment as defined under section 104 of title 5, United States Code.

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

- (1) The National Language Director, who shall serve as the chairperson of the Council.
- (2) The Secretary of Education.
- (3) The Secretary of Defense.
- (4) The Secretary of State.
- (5) The Secretary of Homeland Security.
- (6) The Attorney General.
- (7) The Director of National Intelligence.
- (8) The Secretary of Labor.
- (9) The Director of the Office of Personnel Management.
- (10) The Director of the Office of Management and Budget.
- (11) The Secretary of Commerce.
- (12) The Secretary of Health and Human Services.
- (13) The Secretary of the Treasury.
- (14) The Secretary of Housing and Urban Development.

(15) The Secretary of Agriculture.

(16) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) developing a national foreign language strategy, within 18 months of the date of enactment of this section, in consultation with—

- (i) State and local government agencies;
- (ii) academic sector institutions;
- (iii) foreign language related interest groups;
- (iv) business associations;
- (v) industry;
- (vi) heritage associations; and
- (vii) other relevant stakeholders;

(B) conducting a survey of Federal agency needs for foreign language area expertise; and

(C) overseeing the implementation of such strategy through—

- (i) execution of subsequent law; and
- (ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) identification of crucial priorities across all sectors;

(B) identification and evaluation of Federal foreign language programs and activities, including—

- (i) recommendations on coordination;
- (ii) program enhancements; and
- (iii) allocation of resources so as to maximize use of resources;

(C) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness in the next 20 to 50 years;

(D) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—

- (i) Federal, State, and local leaders;
- (ii) students;
- (iii) parents;
- (iv) elementary, secondary, and postsecondary educational institutions; and
- (v) potential employers;

(E) incentives for related educational programs, including foreign language teacher training;

(F) coordination of cross-sector efforts, including public-private partnerships;

(G) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;

(H) assistance for—

(i) the development of foreign language achievement standards; and

(ii) corresponding assessments for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;

(I) development of—

(i) language skill-level certification standards;

(ii) an ideal course of pre-service and professional development study for those who teach foreign language;

(iii) suggested graduation criteria for foreign language studies and appropriate non-language studies, such as—

- (I) international business;
- (II) national security;
- (III) public administration;

(IV) health care;

(V) engineering;

(VI) law;

(VII) journalism; and

(VIII) sciences; and

(J) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community.

(d) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(e) STAFF.—

(1) IN GENERAL.—The Director may appoint and fix the compensation of such additional personnel as the Director considers necessary to carry out the duties of the Council.

(2) DETAILS FROM OTHER AGENCIES.—Upon request of the Council, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Council.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.

(2) INFORMATION.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, the Council considers necessary to carry out its responsibilities. Upon request of the Director, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(g) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(h) REPORTS.—Not later than 90 days after the date of enactment of this section, and annually thereafter, the Council shall prepare and transmit to the President and Congress a report that describes the activities of the Council and the efforts of the Council to improve foreign language education and training and impediments, including any statutory and regulatory restrictions, to the use of each such program.

(i) ESTABLISHMENT OF A NATIONAL LANGUAGE DIRECTOR.—

(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recog-

nized individual with credentials and abilities across all of the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The National Language Director shall—

(A) develop and oversee the implementation of a national foreign language strategy across all sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(3) COMPENSATION.—The National Language Director shall be paid at a rate of pay payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(j) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

SA 1403. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 330. DEMONSTRATION PROJECT ON EMERGENCY COMMUNICATIONS NETWORK IN HAWAII.

(a) IN GENERAL.—The Secretary of Defense shall carry out a demonstration project in the State of Hawaii to assess the feasibility and advisability of utilizing an emergency communications network (ECN) to link civil defense sites in the State of Hawaii with Federal, State, and local emergency responder organizations in that State.

(b) EMERGENCY COMMUNICATIONS NETWORK.—

(1) IN GENERAL.—In carrying out the demonstration project, the Secretary shall establish in the State of Hawaii an emergency communications network to be known as the Emergency Communications Network-Hawaii (in this section referred to as the "Network" or "ECN-H").

(2) ELEMENTS.—The Network shall, to the extent practicable, consist of the elements as follows:

(A) Wireless satellite interactive ground terminals and mobile terminals.

(B) A remote teleport service enabling the high-speed Internet transmission of voice, video, data, and fax information, teleconferencing, and related applications.

(C) Commercially available technologies, including technologies that integrate digital broadcast with return channel over satellite (DVB-RCS) with voice over Internet Protocol (VOIP) conversion.

(D) Radio interoperability units to assemble each ground terminal [it's not clear what this means].

(3) CAPABILITIES.—The Network shall, to the extent practicable, have the capabilities as follows:

(A) To provide a link between civil defense sites in the State of Hawaii and Federal, State, and local emergency responder organizations in that State.

(B) To further enhance interoperability among emergency responder organizations in the State of Hawaii.

(C) To facilitate the evaluation of the Network by appropriate Federal agencies for purposes of determining the feasibility and advisability of adding additional functions to the Network.

(4) LOCATION OF CERTAIN COMPONENTS.—(A) In order to facilitate uninterrupted communications for emergency responder organizations in the State of Hawaii, the return channel over satellite (RCS) hub for the Network shall be located at an appropriate location in the continental United States selected by the Secretary for purposes of the demonstration project.

(B) Not less than 13 ground terminals, and not less than 6 mobile terminals, of the Network shall be provided to appropriate elements of State civil defense agencies and county law enforcement offices in the State of Hawaii selected by the Secretary for purposes of the demonstration project upon recommendations made by State civil defense authorities in that State.

(5) ASSIGNMENT OF ADDITIONAL COMPONENTS TO FEDERAL UNITS.—The Secretary shall assign a terminal for the Network, and provide for the full integration of each terminal so assigned with the Network, to each unit as follows:

(A) The 93rd Weapons of Mass Destruction Civil Support Team (CST) of the Army National Guard of the State of Hawaii.

(B) The Joint Rear Area Coordinator for Hawaii.

(c) REPORT.—Not later than _____, the Secretary shall submit to the congressional defense committees a report on the demonstration project carried out under this section. The report shall include—

(1) a description of the Network;

(2) an assessment of the utility of the Network in providing a link between civil defense sites in the State of Hawaii and Federal, State, and local emergency responder organizations in that State; and

(3) such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the demonstration project.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance, Defense-wide activities, \$4,000,000 shall be available to carry out the demonstration project required by this section.

SA 1404. Mr. AKAKA (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the

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

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

SEC. 538. PILOT PROGRAM ON ENHANCED QUALITY OF LIFE FOR MEMBERS OF THE ARMY RESERVE AND THEIR FAMILIES.

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall carry out a pilot program to assess the feasibility and advisability of utilizing a coalition of military and civilian community personnel at military installations in order to enhance the quality of life for members of the Army Reserve who serve at such installations and their families.

(2) LOCATIONS.—The Secretary shall carry out the pilot program at a military installation selected by the Secretary for purposes of the pilot program in each State as follows:

(A) The State of Hawaii.

(B) The State of Utah.

(b) PARTICIPATING PERSONNEL.—A coalition of personnel under the pilot program shall consist of—

(1) such command personnel at the installation concerned as the commander of such installation considers appropriate;

(2) such other military personnel at such installation as the commander of such installation considers appropriate; and

(3) appropriate members of the civilian community of installation, such as clinicians and teachers, who volunteer for participation in the coalition.

(c) OBJECTIVES.—

(1) PRINCIPLE OBJECTIVE.—The principle objective of the pilot program shall be to enhance the quality of life for members of the Army Reserve and their families in order to enhance the mission readiness of such members, to facilitate the transition of such members to and from deployment, and to enhance the retention of such members.

(2) OBJECTIVES RELATING TO DEPLOYMENT.—In seeking to achieve the principle objective under paragraph (1) with respect to the deployment of members of the Army Reserve, each coalition under the pilot program shall seek to assist members of the Army Reserve and their families in—

(A) successfully coping with the absence of such members from their families during deployment; and

(B) successfully addressing other difficulties associated with extended deployments, including difficulties of members on deployment and difficulties of family members at home.

(3) METHODS TO ACHIEVE OBJECTIVES.—The methods selected by each coalition under the pilot program to achieve the objectives specified in this subsection shall include methods as follows:

(A) Methods that promote a balance of work and family responsibilities through a principle-centered approach to such matters.

(B) Methods that promote the establishment of appropriate priorities for family matters, such as the allocation of time and attention to finances, within the context of meeting military responsibilities.

(C) Methods that promote the development of meaningful family relationships.

(D) Methods that promote the development of parenting skills intended to raise emotionally healthy and empowered children.

(d) REPORT.—Not later than April 1, 2007, the Secretary shall submit to the congress-

sional defense committees a report on the pilot program carried out under this section. The report shall include—

(1) a description of the pilot program;

(2) an assessment of the benefits of utilizing a coalition of military and civilian community personnel on military installations in order to enhance the quality of life for members of the Army Reserve and their families; and

(3) such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(e) FUNDING.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is hereby increased by \$160,000, with the amount of the increase to be available to carry out the pilot program required by this section.

(2) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Ship Self Defense (Detect and Control) (PE #0604775N) is hereby reduced by \$160,000, with the amount of the reduction to be allocated to amounts for Autonomous Unmanned Surface Vessel.

SA 1405. Mr. ALLARD (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 330. LIFE CYCLE COST ESTIMATES FOR THE DESTRUCTION OF LETHAL CHEMICAL MUNITIONS UNDER ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM.

Upon completion of 60 percent of the design build at each site of the Assembled Chemical Weapons Alternatives program, the Program Manager for Assembled Chemical Weapons Alternatives shall, after consultation with the congressional defense committees, certify in writing to such committees updated and revised life cycle cost estimates for the destruction of lethal chemical munitions for each site under such program.

SA 1406. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1205. SECURITY AND STABILIZATION ASSISTANCE.

(a) ASSISTANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of Defense may, upon the request of the Secretary of State, authorize the use or transfer of defense articles, services, training, or other support, including support acquired by contract or otherwise, to provide

reconstruction, security, or stabilization assistance to a foreign country for the purpose of restoring or maintaining peace and security in that country if the Secretary of Defense determines that—

(1) an unforeseen emergency exists in that country that requires the immediate provision of such assistance; and

(2) the provision of such assistance is in the national security interests of the United States.

(b) AVAILABILITY OF FUNDS.—Subject to subsection (a), the Secretary of Defense may transfer funds available to the Department of Defense to the Department of State or any other department or agency of the United States Government to carry out the purposes of this section. Funds so transferred shall remain available until expended.

(c) LIMITATION.—The aggregate value of assistance provided or funds transferred under the authority of this section may not exceed \$200,000,000.

(d) COMPLEMENTARY AUTHORITY.—The authority to provide assistance and transfer funds under this section shall be in addition to any other authority to provide assistance to a foreign country or to transfer funds.

(e) EXPIRATION.—The authority to provide assistance and transfer funds under this section shall expire on September 30, 2006.

SA 1407. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1008.

SA 1408. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 170, between lines 16 and 17, insert the following:

SEC. 653. EXEMPTION FROM PAYMENT OF INDIVIDUAL CONTRIBUTIONS UNDER MONTGOMERY GI BILL OF ACTIVE DUTY MEMBERS OF THE ARMED FORCES UNDER EXECUTIVE ORDER 13235.

(a) ACTIVE DUTY PROGRAM.—Notwithstanding section 3011(b) of title 38, United States Code, no reduction in basic pay otherwise required by such section shall be made in the case of a covered member of the Armed Forces.

(b) SELECTED RESERVE PROGRAM.—Notwithstanding section 3012(c) of title 38, United States Code, no reduction in basic pay otherwise required by such section shall be made in the case of a covered member of the Armed Forces.

(c) TERMINATION OF ON-GOING REDUCTIONS IN BASIC PAY.—In the case of a covered member of the Armed Forces who first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces before the date of the enactment of this Act and whose basic pay would, but for

subsection (a) or (b), be subject to reduction under section 3011(b) or 3012(c) of title 38, United States Code, for any month beginning on or after that date, the reduction of basic pay of such covered member of the Armed Forces under such section 3011(b) or 3012(c), as applicable, shall cease commencing with the first month beginning on or after that date.

(d) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term “covered member of the Armed Forces” means any individual who serves on active duty as a member of the Armed Forces during the period—

(1) beginning on November 16, 2001, the date of Executive Order 13235, relating to National Emergency Construction Authority; and

(2) ending on the termination date of the Executive order referred to in paragraph (1).

SEC. 654. OPPORTUNITY FOR ACTIVE DUTY MEMBERS OF THE ARMED FORCES UNDER EXECUTIVE ORDER 13235 TO WITHDRAW ELECTION NOT TO ENROLL IN MONTGOMERY GI BILL.

Section 3018 of title 38, United States Code, is amended—

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

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

“(c)(1) Notwithstanding any other provision of this chapter, during the 1-year period beginning on the date of enactment of this subsection, an individual who—

“(A) serves on active duty as a member of the Armed Forces during the period beginning on November 16, 2001, and ending on the termination date of Executive Order 13235, relating to National Emergency Construction Authority; and

“(B) has served continuously on active duty without a break in service following the date the individual first becomes a member or first enters on active duty as a member of the Armed Forces, shall have the opportunity, on such form as the Secretary of Defense shall prescribe, to withdraw an election under section 3011(c)(1) or 3012(d)(1) not to receive education assistance under this chapter.

“(2) An individual described paragraph (1) who made an election under section 3011(c)(1) or 3012(d)(1) and who—

“(A) while serving on active duty during the 1-year period beginning on the date of the enactment of this subsection makes a withdrawal of such election;

“(B) continues to serve the period of service which such individual was obligated to serve;

“(C) serves the obligated period of service described in subparagraph (B) or before completing such obligated period of service is described by subsection (b)(3)(B); and

“(D) meets the requirements set forth in paragraphs (4) and (5) of subsection (b), is entitled to basic educational assistance under this chapter.”; and

(3) in subsection (e), as redesignated, by inserting “or (c)(2)(A)” after “(b)(1)”.

SA 1409. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 642. COMMENCEMENT OF RECEIPT OF NON-REGULAR SERVICE RETIRED PAY BY RESERVES WHO SERVED ON ACTIVE DUTY FOR SIGNIFICANT PERIODS DURING THE GLOBAL WAR ON TERRORISM.

(a) REDUCED ELIGIBILITY AGE.—Section 12731 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) has attained the eligibility age applicable under subsection (f) to that person;”; and

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

“(f)(1) Subject to paragraph (2), the eligibility age for the purposes of subsection (a)(1) is 60 years of age.

“(2)(A) In the case of a person who, as a member of a reserve component of an armed force, served on active duty during a global war on terrorism service year under a provision of law referred to in section 101(a)(13)(B) of this title, the eligibility age for the purposes of subsection (a)(1) is reduced below 60 years of age by one year for each global war on terrorism service year during which such person so served on active duty for at least 90 consecutive days, subject to subparagraph (B).

“(B) The eligibility age may not be reduced below 55 years of age for any person under subparagraph (A).

“(C) In this paragraph, the term ‘global war on terrorism service year’ means—

“(i) the one-year period beginning on November 16, 2001, and ending on November 15, 2002; and

“(ii) each successive one-year period beginning on November 16 of a year.

(b) ADMINISTRATION OF RELATED PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to having attained the eligibility age applicable under subsection (f) of section 12731 of title 10, United States Code (as added by subsection (a)), to such member or former member for qualification for such retired pay under subsection (a) of such section.

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of November 16, 2001, and shall apply with respect to applications for retired pay that are submitted under section 12731(a) of title 10, United States Code, on or after the date of the enactment of this Act.

SA 1410. Mrs. FEINSTEIN (for herself and Mr. HAGEL) submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1205. SENSE OF CONGRESS ON SUPPORT FOR NUCLEAR NON-PROLIFERATION TREATY.

Congress—

(1) reaffirms its support for the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the "Nuclear Non-Proliferation Treaty");

(2) expresses its support for all appropriate measures to strengthen the Nuclear Non-Proliferation Treaty and to attain its objectives; and

(3) calls on all parties to the Nuclear Non-Proliferation Treaty—

(A) to insist on strict compliance with the non-proliferation obligations of the Nuclear Non-Proliferation Treaty and to undertake effective enforcement measures against states that are in violation of their obligations under the Treaty;

(B) to agree to establish more effective controls on enrichment and reprocessing technologies that can be used to produce materials for nuclear weapons;

(C) to expand the ability of the International Atomic Energy Agency to inspect and monitor compliance with safeguard agreements and standards to which all states should adhere through existing authority and the additional protocols signed by the states party to the Nuclear Non-Proliferation Treaty;

(D) to demonstrate the international community's unified opposition to a nuclear weapons program in Iran by—

(i) supporting the efforts of the United States and the European Union to prevent the Government of Iran from acquiring a nuclear weapons capability; and

(ii) using all appropriate diplomatic means at their disposal to convince the Government of Iran to abandon its uranium enrichment program;

(E) to strongly support the ongoing United States diplomatic efforts in the context of the six-party talks that seek the verifiable and irreversible disarmament of North Korea's nuclear weapons programs and to use all appropriate diplomatic means to achieve this result;

(F) to pursue diplomacy designed to address the underlying regional security problems in Northeast Asia, South Asia, and the Middle East, which would facilitate non-proliferation and disarmament efforts in those regions;

(G) to accelerate programs to safeguard and eliminate nuclear weapons-usable material to the highest standards to prevent access by terrorists and governments;

(H) to halt the use of highly enriched uranium in civilian reactors;

(I) to strengthen national and international export controls and relevant security measures as required by United Nations Security Council Resolution 1540;

(J) to agree that no state may withdraw from the Nuclear Non-Proliferation Treaty and escape responsibility for prior violations of the Treaty or retain access to controlled materials and equipment acquired for "peaceful" purposes;

(K) to accelerate implementation of disarmament obligations and commitments under the Nuclear Non-Proliferation Treaty for the purpose of reducing the world's stockpiles of nuclear weapons and weapons-grade fissile material; and

(L) to strengthen and expand support for the Proliferation Security Initiative.

SA 1411. Mr. WARNER (for Mr. ENZI (for himself, Mr. JEFFORDS, Mr. GREGG, Mr. KENNEDY, Mr. FRIST, Mrs. MURRAY, and Mr. BINGAMAN)) proposed an amendment to the bill S. 544, to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the inci-

dence of events that adversely effect patient safety; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Patient Safety and Quality Improvement Act of 2005".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to Public Health Service Act.

"PART C—PATIENT SAFETY IMPROVEMENT

"Sec. 921. Definitions.

"Sec. 922. Privilege and confidentiality protections.

"Sec. 923. Network of patient safety databases.

"Sec. 924. Patient safety organization certification and listing.

"Sec. 925. Technical assistance.

"Sec. 926. Severability.

SEC. 2. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.

(a) **IN GENERAL.**—Title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended—

(1) in section 912(c), by inserting ", in accordance with part C," after "The Director shall";

(2) by redesignating part C as part D;

(3) by redesignating sections 921 through 928, as sections 931 through 938, respectively;

(4) in section 938(1) (as so redesignated), by striking "921" and inserting "931"; and

(5) by inserting after part B the following:

"PART C—PATIENT SAFETY IMPROVEMENT

"SEC. 921. DEFINITIONS.

"In this part:

"(1) **HIPAA CONFIDENTIALITY REGULATIONS.**—The term 'HIPAA confidentiality regulations' means regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191; 110 Stat. 2033).

"(2) **IDENTIFIABLE PATIENT SAFETY WORK PRODUCT.**—The term 'identifiable patient safety work product' means patient safety work product that—

"(A) is presented in a form and manner that allows the identification of any provider that is a subject of the work product, or any providers that participate in activities that are a subject of the work product;

"(B) constitutes individually identifiable health information as that term is defined in the HIPAA confidentiality regulations; or

"(C) is presented in a form and manner that allows the identification of an individual who reported information in the manner specified in section 922(e).

"(3) **NONIDENTIFIABLE PATIENT SAFETY WORK PRODUCT.**—The term 'nonidentifiable patient safety work product' means patient safety work product that is not identifiable patient safety work product (as defined in paragraph (2)).

"(4) **PATIENT SAFETY ORGANIZATION.**—The term 'patient safety organization' means a private or public entity or component thereof that is listed by the Secretary pursuant to section 924(d).

"(5) **PATIENT SAFETY ACTIVITIES.**—The term 'patient safety activities' means the following activities:

"(A) Efforts to improve patient safety and the quality of health care delivery.

"(B) The collection and analysis of patient safety work product.

"(C) The development and dissemination of information with respect to improving patient safety, such as recommendations, protocols, or information regarding best practices.

"(D) The utilization of patient safety work product for the purposes of encouraging a culture of safety and of providing feedback and assistance to effectively minimize patient risk.

"(E) The maintenance of procedures to preserve confidentiality with respect to patient safety work product.

"(F) The provision of appropriate security measures with respect to patient safety work product.

"(G) The utilization of qualified staff.

"(H) Activities related to the operation of a patient safety evaluation system and to the provision of feedback to participants in a patient safety evaluation system.

"(6) **PATIENT SAFETY EVALUATION SYSTEM.**—The term 'patient safety evaluation system' means the collection, management, or analysis of information for reporting to or by a patient safety organization.

"(7) **PATIENT SAFETY WORK PRODUCT.**—

"(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term 'patient safety work product' means any data, reports, records, memoranda, analyses (such as root cause analyses), or written or oral statements—

"(i) which—

"(I) are assembled or developed by a provider for reporting to a patient safety organization and are reported to a patient safety organization; or

"(II) are developed by a patient safety organization for the conduct of patient safety activities;

and which could result in improved patient safety, health care quality, or health care outcomes; or

"(ii) which identify or constitute the deliberations or analysis of, or identify the fact of reporting pursuant to, a patient safety evaluation system.

"(B) **CLARIFICATION.**—

"(i) Information described in subparagraph (A) does not include a patient's medical record, billing and discharge information, or any other original patient or provider record.

"(ii) Information described in subparagraph (A) does not include information that is collected, maintained, or developed separately, or exists separately, from a patient safety evaluation system. Such separate information or a copy thereof reported to a patient safety organization shall not by reason of its reporting be considered patient safety work product.

"(iii) Nothing in this part shall be construed to limit—

"(I) the discovery of or admissibility of information described in this subparagraph in a criminal, civil, or administrative proceeding;

"(II) the reporting of information described in this subparagraph to a Federal, State, or local governmental agency for public health surveillance, investigation, or other public health purposes or health oversight purposes; or

"(III) a provider's recordkeeping obligation with respect to information described in this subparagraph under Federal, State, or local law.

"(8) **PROVIDER.**—The term 'provider' means—

"(A) an individual or entity licensed or otherwise authorized under State law to provide health care services, including—

"(i) a hospital, nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, renal dialysis facility, ambulatory surgical center, pharmacy, physician or health care practitioner's office, long term care facility, behavior health residential treatment facility, clinical laboratory, or health center; or

“(ii) a physician, physician assistant, nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife, psychologist, certified social worker, registered dietitian or nutrition professional, physical or occupational therapist, pharmacist, or other individual health care practitioner; or

“(B) any other individual or entity specified in regulations promulgated by the Secretary.

“SEC. 922. PRIVILEGE AND CONFIDENTIALITY PROTECTIONS.

“(a) **PRIVILEGE.**—Notwithstanding any other provision of Federal, State, or local law, and subject to subsection (c), patient safety work product shall be privileged and shall not be—

“(1) subject to a Federal, State, or local civil, criminal, or administrative subpoena or order, including in a Federal, State, or local civil or administrative disciplinary proceeding against a provider;

“(2) subject to discovery in connection with a Federal, State, or local civil, criminal, or administrative proceeding, including in a Federal, State, or local civil or administrative disciplinary proceeding against a provider;

“(3) subject to disclosure pursuant to section 552 of title 5, United States Code (commonly known as the Freedom of Information Act) or any other similar Federal, State, or local law;

“(4) admitted as evidence in any Federal, State, or local governmental civil proceeding, criminal proceeding, administrative rulemaking proceeding, or administrative adjudicatory proceeding, including any such proceeding against a provider; or

“(5) admitted in a professional disciplinary proceeding of a professional disciplinary body established or specifically authorized under State law.

“(b) **CONFIDENTIALITY OF PATIENT SAFETY WORK PRODUCT.**—Notwithstanding any other provision of Federal, State, or local law, and subject to subsection (c), patient safety work product shall be confidential and shall not be disclosed.

“(c) **EXCEPTIONS.**—Except as provided in subsection (g)(3)—

“(1) **EXCEPTIONS FROM PRIVILEGE AND CONFIDENTIALITY.**—Subsections (a) and (b) shall not apply to (and shall not be construed to prohibit) one or more of the following disclosures:

“(A) Disclosure of relevant patient safety work product for use in a criminal proceeding, but only after a court makes an in camera determination that such patient safety work product contains evidence of a criminal act and that such patient safety work product is material to the proceeding and not reasonably available from any other source.

“(B) Disclosure of patient safety work product to the extent required to carry out subsection (f)(4)(A).

“(C) Disclosure of identifiable patient safety work product if authorized by each provider identified in such work product.

“(2) **EXCEPTIONS FROM CONFIDENTIALITY.**—Subsection (b) shall not apply to (and shall not be construed to prohibit) one or more of the following disclosures:

“(A) Disclosure of patient safety work product to carry out patient safety activities.

“(B) Disclosure of nonidentifiable patient safety work product.

“(C) Disclosure of patient safety work product to grantees, contractors, or other entities carrying out research, evaluation, or demonstration projects authorized, funded, certified, or otherwise sanctioned by rule or other means by the Secretary, for the purpose of conducting research to the extent

that disclosure of protected health information would be allowed for such purpose under the HIPAA confidentiality regulations.

“(D) Disclosure by a provider to the Food and Drug Administration with respect to a product or activity regulated by the Food and Drug Administration.

“(E) Voluntary disclosure of patient safety work product by a provider to an accrediting body that accredits that provider.

“(F) Disclosures that the Secretary may determine, by rule or other means, are necessary for business operations and are consistent with the goals of this part.

“(G) Disclosure of patient safety work product to law enforcement authorities relating to the commission of a crime (or to an event reasonably believed to be a crime) if the person making the disclosure believes, reasonably under the circumstances, that the patient safety work product that is disclosed is necessary for criminal law enforcement purposes.

“(H) With respect to a person other than a patient safety organization, the disclosure of patient safety work product that does not include materials that—

“(i) assess the quality of care of an identifiable provider; or

“(ii) describe or pertain to one or more actions or failures to act by an identifiable provider.

“(3) **EXCEPTION FROM PRIVILEGE.**—Subsection (a) shall not apply to (and shall not be construed to prohibit) voluntary disclosure of nonidentifiable patient safety work product.

“(d) **CONTINUED PROTECTION OF INFORMATION AFTER DISCLOSURE.**—

“(1) **IN GENERAL.**—Patient safety work product that is disclosed under subsection (c) shall continue to be privileged and confidential as provided for in subsections (a) and (b), and such disclosure shall not be treated as a waiver of privilege or confidentiality, and the privileged and confidential nature of such work product shall also apply to such work product in the possession or control of a person to whom such work product was disclosed.

“(2) **EXCEPTION.**—Notwithstanding paragraph (1), and subject to paragraph (3)—

“(A) if patient safety work product is disclosed in a criminal proceeding, the confidentiality protections provided for in subsection (b) shall no longer apply to the work product so disclosed; and

“(B) if patient safety work product is disclosed as provided for in subsection (c)(2)(B) (relating to disclosure of nonidentifiable patient safety work product), the privilege and confidentiality protections provided for in subsections (a) and (b) shall no longer apply to such work product.

“(3) **CONSTRUCTION.**—Paragraph (2) shall not be construed as terminating or limiting the privilege or confidentiality protections provided for in subsection (a) or (b) with respect to patient safety work product other than the specific patient safety work product disclosed as provided for in subsection (c).

“(4) **LIMITATIONS ON ACTIONS.**—

“(A) **PATIENT SAFETY ORGANIZATIONS.**—

“(i) **IN GENERAL.**—A patient safety organization shall not be compelled to disclose information collected or developed under this part whether or not such information is patient safety work product unless such information is identified, is not patient safety work product, and is not reasonably available from another source.

“(ii) **NONAPPLICATION.**—The limitation contained in clause (i) shall not apply in an action against a patient safety organization or with respect to disclosures pursuant to subsection (c)(1).

“(B) **PROVIDERS.**—An accrediting body shall not take an accrediting action against

a provider based on the good faith participation of the provider in the collection, development, reporting, or maintenance of patient safety work product in accordance with this part. An accrediting body may not require a provider to reveal its communications with any patient safety organization established in accordance with this part.

“(e) **REPORTER PROTECTION.**—

“(1) **IN GENERAL.**—A provider may not take an adverse employment action, as described in paragraph (2), against an individual based upon the fact that the individual in good faith reported information—

“(A) to the provider with the intention of having the information reported to a patient safety organization; or

“(B) directly to a patient safety organization.

“(2) **ADVERSE EMPLOYMENT ACTION.**—For purposes of this subsection, an ‘adverse employment action’ includes—

“(A) loss of employment, the failure to promote an individual, or the failure to provide any other employment-related benefit for which the individual would otherwise be eligible; or

“(B) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual.

“(f) **ENFORCEMENT.**—

“(1) **CIVIL MONETARY PENALTY.**—Subject to paragraphs (2) and (3), a person who discloses identifiable patient safety work product in knowing or reckless violation of subsection (b) shall be subject to a civil monetary penalty of not more than \$10,000 for each act constituting such violation.

“(2) **PROCEDURE.**—The provisions of section 1128A of the Social Security Act, other than subsections (a) and (b) and the first sentence of subsection (c)(1), shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A of the Social Security Act.

“(3) **RELATION TO HIPAA.**—Penalties shall not be imposed both under this subsection and under the regulations issued pursuant to section 264(c)(1) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) for a single act or omission.

“(4) **EQUITABLE RELIEF.**—

“(A) **IN GENERAL.**—Without limiting remedies available to other parties, a civil action may be brought by any aggrieved individual to enjoin any act or practice that violates subsection (e) and to obtain other appropriate equitable relief (including reinstatement, back pay, and restoration of benefits) to redress such violation.

“(B) **AGAINST STATE EMPLOYEES.**—An entity that is a State or an agency of a State government may not assert the privilege described in subsection (a) unless before the time of the assertion, the entity or, in the case of and with respect to an agency, the State has consented to be subject to an action described in subparagraph (A), and that consent has remained in effect.

“(g) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed—

“(1) to limit the application of other Federal, State, or local laws that provide greater privilege or confidentiality protections than the privilege and confidentiality protections provided for in this section;

“(2) to limit, alter, or affect the requirements of Federal, State, or local law pertaining to information that is not privileged or confidential under this section;

“(3) except as provided in subsection (i), to alter or affect the implementation of any provision of the HIPAA confidentiality regulations or section 1176 of the Social Security

Act (or regulations promulgated under such section);

“(4) to limit the authority of any provider, patient safety organization, or other entity to enter into a contract requiring greater confidentiality or delegating authority to make a disclosure or use in accordance with this section;

“(5) as preempting or otherwise affecting any State law requiring a provider to report information that is not patient safety work product; or

“(6) to limit, alter, or affect any requirement for reporting to the Food and Drug Administration information regarding the safety of a product or activity regulated by the Food and Drug Administration.

“(h) CLARIFICATION.—Nothing in this part prohibits any person from conducting additional analysis for any purpose regardless of whether such additional analysis involves issues identical to or similar to those for which information was reported to or assessed by a patient safety organization or a patient safety evaluation system.

“(i) CLARIFICATION OF APPLICATION OF HIPAA CONFIDENTIALITY REGULATIONS TO PATIENT SAFETY ORGANIZATIONS.—For purposes of applying the HIPAA confidentiality regulations—

“(1) patient safety organizations shall be treated as business associates; and

“(2) patient safety activities of such organizations in relation to a provider are deemed to be health care operations (as defined in such regulations) of the provider.

“(j) REPORTS ON STRATEGIES TO IMPROVE PATIENT SAFETY.—

“(1) DRAFT REPORT.—Not later than the date that is 18 months after any network of patient safety databases is operational, the Secretary, in consultation with the Director, shall prepare a draft report on effective strategies for reducing medical errors and increasing patient safety. The draft report shall include any measure determined appropriate by the Secretary to encourage the appropriate use of such strategies, including use in any federally funded programs. The Secretary shall make the draft report available for public comment and submit the draft report to the Institute of Medicine for review.

“(2) FINAL REPORT.—Not later than 1 year after the date described in paragraph (1), the Secretary shall submit a final report to the Congress.

“SEC. 923. NETWORK OF PATIENT SAFETY DATABASES.

“(a) IN GENERAL.—The Secretary shall facilitate the creation of, and maintain, a network of patient safety databases that provides an interactive evidence-based management resource for providers, patient safety organizations, and other entities. The network of databases shall have the capacity to accept, aggregate across the network, and analyze nonidentifiable patient safety work product voluntarily reported by patient safety organizations, providers, or other entities. The Secretary shall assess the feasibility of providing for a single point of access to the network for qualified researchers for information aggregated across the network and, if feasible, provide for implementation.

“(b) DATA STANDARDS.—The Secretary may determine common formats for the reporting to and among the network of patient safety databases maintained under subsection (a) of nonidentifiable patient safety work product, including necessary work product elements, common and consistent definitions, and a standardized computer interface for the processing of such work product. To the extent practicable, such standards shall be consistent with the administrative simplification provisions of part C of title XI of the Social Security Act.

“(c) USE OF INFORMATION.—Information reported to and among the network of patient safety databases under subsection (a) shall be used to analyze national and regional statistics, including trends and patterns of health care errors. The information resulting from such analyses shall be made available to the public and included in the annual quality reports prepared under section 913(b)(2).

“SEC. 924. PATIENT SAFETY ORGANIZATION CERTIFICATION AND LISTING.

“(a) CERTIFICATION.—

“(1) INITIAL CERTIFICATION.—An entity that seeks to be a patient safety organization shall submit an initial certification to the Secretary that the entity—

“(A) has policies and procedures in place to perform each of the patient safety activities described in section 921(5); and

“(B) upon being listed under subsection (d), will comply with the criteria described in subsection (b).

“(2) SUBSEQUENT CERTIFICATIONS.—An entity that is a patient safety organization shall submit every 3 years after the date of its initial listing under subsection (d) a subsequent certification to the Secretary that the entity—

“(A) is performing each of the patient safety activities described in section 921(5); and

“(B) is complying with the criteria described in subsection (b).

“(b) CRITERIA.—

“(1) IN GENERAL.—The following are criteria for the initial and subsequent certification of an entity as a patient safety organization:

“(A) The mission and primary activity of the entity are to conduct activities that are to improve patient safety and the quality of health care delivery.

“(B) The entity has appropriately qualified staff (whether directly or through contract), including licensed or certified medical professionals.

“(C) The entity, within each 24-month period that begins after the date of the initial listing under subsection (d), has bona fide contracts, each of a reasonable period of time, with more than 1 provider for the purpose of receiving and reviewing patient safety work product.

“(D) The entity is not, and is not a component of, a health insurance issuer (as defined in section 2791(b)(2)).

“(E) The entity shall fully disclose—

“(i) any financial, reporting, or contractual relationship between the entity and any provider that contracts with the entity; and

“(ii) if applicable, the fact that the entity is not managed, controlled, and operated independently from any provider that contracts with the entity.

“(F) To the extent practical and appropriate, the entity collects patient safety work product from providers in a standardized manner that permits valid comparisons of similar cases among similar providers.

“(G) The utilization of patient safety work product for the purpose of providing direct feedback and assistance to providers to effectively minimize patient risk.

“(2) ADDITIONAL CRITERIA FOR COMPONENT ORGANIZATIONS.—If an entity that seeks to be a patient safety organization is a component of another organization, the following are additional criteria for the initial and subsequent certification of the entity as a patient safety organization:

“(A) The entity maintains patient safety work product separately from the rest of the organization, and establishes appropriate security measures to maintain the confidentiality of the patient safety work product.

“(B) The entity does not make an unauthorized disclosure under this part of patient

safety work product to the rest of the organization in breach of confidentiality.

“(C) The mission of the entity does not create a conflict of interest with the rest of the organization.

“(c) REVIEW OF CERTIFICATION.—

“(1) IN GENERAL.—

“(A) INITIAL CERTIFICATION.—Upon the submission by an entity of an initial certification under subsection (a)(1), the Secretary shall determine if the certification meets the requirements of subparagraphs (A) and (B) of such subsection.

“(B) SUBSEQUENT CERTIFICATION.—Upon the submission by an entity of a subsequent certification under subsection (a)(2), the Secretary shall review the certification with respect to requirements of subparagraphs (A) and (B) of such subsection.

“(2) NOTICE OF ACCEPTANCE OR NON-ACCEPTANCE.—If the Secretary determines that—

“(A) an entity's initial certification meets requirements referred to in paragraph (1)(A), the Secretary shall notify the entity of the acceptance of such certification; or

“(B) an entity's initial certification does not meet such requirements, the Secretary shall notify the entity that such certification is not accepted and the reasons therefor.

“(3) DISCLOSURES REGARDING RELATIONSHIP TO PROVIDERS.—The Secretary shall consider any disclosures under subsection (b)(1)(E) by an entity and shall make public findings on whether the entity can fairly and accurately perform the patient safety activities of a patient safety organization. The Secretary shall take those findings into consideration in determining whether to accept the entity's initial certification and any subsequent certification submitted under subsection (a) and, based on those findings, may deny, condition, or revoke acceptance of the entity's certification.

“(d) LISTING.—The Secretary shall compile and maintain a listing of entities with respect to which there is an acceptance of a certification pursuant to subsection (c)(2)(A) that has not been revoked under subsection (e) or voluntarily relinquished.

“(e) REVOCATION OF ACCEPTANCE OF CERTIFICATION.—

“(1) IN GENERAL.—If, after notice of deficiency, an opportunity for a hearing, and a reasonable opportunity for correction, the Secretary determines that a patient safety organization does not meet the certification requirements under subsection (a)(2), including subparagraphs (A) and (B) of such subsection, the Secretary shall revoke the Secretary's acceptance of the certification of such organization.

“(2) SUPPLYING CONFIRMATION OF NOTIFICATION TO PROVIDERS.—Within 15 days of a revocation under paragraph (1), a patient safety organization shall submit to the Secretary a confirmation that the organization has taken all reasonable actions to notify each provider whose patient safety work product is collected or analyzed by the organization of such revocation.

“(3) PUBLICATION OF DECISION.—If the Secretary revokes the certification of an organization under paragraph (1), the Secretary shall—

“(A) remove the organization from the listing maintained under subsection (d); and

“(B) publish notice of the revocation in the Federal Register.

“(f) STATUS OF DATA AFTER REMOVAL FROM LISTING.—

“(1) NEW DATA.—With respect to the privilege and confidentiality protections described in section 922, data submitted to an entity within 30 days after the entity is removed from the listing under subsection (e)(3)(A) shall have the same status as data submitted while the entity was still listed.

“(2) PROTECTION TO CONTINUE TO APPLY.—If the privilege and confidentiality protections described in section 922 applied to patient safety work product while an entity was listed, or to data described in paragraph (1), such protections shall continue to apply to such work product or data after the entity is removed from the listing under subsection (e)(3)(A).

“(g) DISPOSITION OF WORK PRODUCT AND DATA.—If the Secretary removes a patient safety organization from the listing as provided for in subsection (e)(3)(A), with respect to the patient safety work product or data described in subsection (f)(1) that the patient safety organization received from another entity, such former patient safety organization shall—

“(1) with the approval of the other entity and a patient safety organization, transfer such work product or data to such patient safety organization;

“(2) return such work product or data to the entity that submitted the work product or data; or

“(3) if returning such work product or data to such entity is not practicable, destroy such work product or data.

“SEC. 925. TECHNICAL ASSISTANCE.

“The Secretary, acting through the Director, may provide technical assistance to patient safety organizations, including convening annual meetings for patient safety organizations to discuss methodology, communication, data collection, or privacy concerns.

“SEC. 926. SEVERABILITY.

“If any provision of this part is held to be unconstitutional, the remainder of this part shall not be affected.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 937 of the Public Health Service Act (as redesignated by subsection (a)) is amended by adding at the end the following:

“(e) PATIENT SAFETY AND QUALITY IMPROVEMENT.—For the purpose of carrying out part C, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2006 through 2010.”.

(c) GAO STUDY ON IMPLEMENTATION.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the effectiveness of part C of title IX of the Public Health Service Act (as added by subsection (a)) in accomplishing the purposes of such part.

(2) REPORT.—Not later than February 1, 2010, the Comptroller General shall submit a report on the study conducted under paragraph (1). Such report shall include such recommendations for changes in such part as the Comptroller General deems appropriate.

SA 1412. Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) FINDINGS.—The Senate finds that—

(1) the Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential requirements for the Air Force to maintain a ready and controlled source of or-

ganic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

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

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

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

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

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

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

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be authorized to conduct a committee business meeting during the session of the Senate on Thursday, July 21, 2005 at 10:30 a.m. in SR-328A, Russell Senate Office Building. The purpose of this business meeting is to mark up an original bill regarding the reauthorization of the Commodity Futures Trading Commission.

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

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 July 21, 2005, at 10 a.m., to conduct a hearing on the “The Semiannual Monetary Policy Report to the Congress.”

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 Thursday, July 21, 2005, at 10 a.m., on pending committee business.

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 Thursday, July 21, at 10 a.m.

The purpose of this hearing is to receive testimony regarding the current state of climate change scientific research and the economics of strategies to manage climate change.

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 Thursday, July 21 at 10 a.m. to consider pending nominations:

Jill L. Sigal to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs; David R. Hill to be General Counsel of the Department of Energy; James A. Rispoli to be Assistant Secretary of Energy for Environmental Management; R. Thomas Weimer to be an Assistant Secretary of the Interior for Policy, Management and Budget; Mark A. Limbaugh to be an Assistant Secretary of the Interior for Water and Science.

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 Thursday, July 21, 2005, at 10 a.m. to hold a hearing on United Nations Reform.

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 Thursday, July 21, 2005, at 2:30 p.m. to hold a hearing on Nominations.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Thursday, July 21, 2005, to consider the nominations of Richard L. Skinner to be Inspector General of the U.S. Department of Homeland Security, Brian David Miller to be Inspector General of the General Services Administration, and Edmund S. Hawley to be Assistant Secretary of the U.S. Department of Homeland Security.

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