SA 1569. Mr. NELSON, of Nebraska (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1570. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1571. Mr. DURBIN (for himself, Ms. MUKULSKY, Mr. ALLEN, Mr. GRAHAM, Ms. LANDRIEU, Mr. LEAHY, Mr. SARBANS, Mr. LCTHMANN, Mr. KERRY, Mr. SALAZAR, Mr. CORZINE, Mr. CHAFER, Mrs. LINCOLN, Mr. BIDEN, Mr. KENNEDY, Mrs. MURRAY, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, supra.

SA 1572. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1573. Ms. SNOWE (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1574. Mr. VINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1575. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1576. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1577. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1578. Mr. CORZINE (for himself, Mr. KENNEDY, Mr. LAUTENBERG, Mr. DOOD, Mr. JEFFORDS, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1439. Mr. BINGAMAN (for himself and Mr. DOMENICI) 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:

SEC. 213. FIELD PROGRAMMABLE GATE ARRAY.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $3,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $3,000,000 is available for Space Technology (PE # 0602501F) for research and development on the reliability of field programmable gate arrays for space applications, including design of an assurance strategy, reference architectures, research and development on reliability and maintainability of electronics, and our ability to reach into industry and localities to develop core competencies.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $3,000,000.

SA 1440. 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:

On page 48, between lines 5 and 6, insert the following:

SECT. 244. NATIONAL CRITICAL TECHNOLOGIES PANEL.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish within that office a National Critical Technologies Panel (referred to in this section as the ‘Panel’) to make recommendations to the President for the development of the National Critical Technologies Report.

(b) MEMBERS.—(1) COMPOSITION AND APPOINTMENT.—The panel shall consist of 13 members appointed from among persons who are experts in science and engineering as follows:

(i) 2 shall be Federal Government officials; and

(ii) 3 shall be appointed from private industry and higher education.

(2) FISCAL YEAR 2006.—The Secretary of Defense shall reimburse the Director of the Office of Science and Technology Policy for the reasonable expenses, not to exceed $1,000,000, incurred by the panel.

(c) B IENNIAL NATIONAL CRITICAL TECHNOLOGIES REPORT.—Each report under paragraph (1) shall include, with respect to each technology identified in the report:

(i) the reasons the panel selected that technology;

(ii) the state of the development of that technology in the United States and in other countries; and

(iii) an estimate of the current and anticipated level of research and development effort in the United States, including anticipated milestones or specific accomplishments, by—

(I) the Federal Government;

(II) State and local governments;

(III) private industry; and

(IV) colleges and universities.

(3) TYPES OF RESEARCH AND DEVELOPMENT NEEDED.—Each report under paragraph (1) shall:

(i) identify the types of research and development needed to close gaps or deficiencies in the technology base of the United States, as compared with the technology bases of major trading partners; and

(ii) identify the technologies targeted by major trading partners for development or capture.

(4) TIMING.—(A) IN GENERAL.—The panel shall submit a report to the President not later than October 1 of each even-numbered year.

(B) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which a report is submitted to the President under subparagraph (A), the President shall transmit the report, together with any comments that the President considers appropriate, to Congress.

(d) ADMINISTRATION AND FUNDING OF PANEL.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy shall provide administrative support for the panel.

(2) PANEL EXPENSES.—Funds necessary expenses of the panel shall be provided for fiscal years after fiscal year 2006 from funds appropriated for that Office.

(e) EXPENDITURE.—The panel shall terminate on December 31, 2010.
SEC. 114. TACTICAL WHEELED VEHICLES.

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount authorized to be appropriated by section 101(5) for other procurement for the Army is hereby increased by $390,100,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 101(5) for other procurement for the Army, as increased by subsection (a)—

(1) $281,000,000 may be available for the procurement of Light Tactical Vehicles (LTVs), armored Vehicle Mounted Tactical (VMT) vehicles, and armored Armored Light Tactical Vehicles (ATVs) for purposes of equipping one heavy brigade, one infantry brigade, and two infantry battalions;

(2) $109,100,000 may be available for the procurement of armored Tactical Wheeled Vehicles for the Joint Readiness Training Center at Fort Polk, Louisiana, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles, and armored Heavy Tactical Vehicles for purposes of equipping one infantry brigade and one infantry battalion.

SEC. 1442. Mr. KENNEDY (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him and Mr. BACCHUS 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 213, between lines 2 and 3, insert the following:

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

(a) LIMITATION.—Section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply to—

(1) except to the extent section (a) commences, or the scope of an existing requirement is separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for the purpose of the competition requirements in paragraph (5) of section 2461 of title 10, United States Code.

(b) INAPPLICABILITY TO BEST-VALUE SOURCE SELECTION PILOT PROGRAM.—Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply to—

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

(2) the written waiver is accompanied by a detailed determination that national security interests are so compelling as to preclude compliance with the requirement in subparagraph (A) or the requirement in subparagraph (B) of section 2461 of title 10, United States Code.

SEC. 808. PERFORMANCE OF CERTAIN WORK BY FEDERAL GOVERNMENT EMPLOYEES.

(a) GUIDELINES.—


(b) USE OF FLEXIBLE HIRING AUTHORITY.—The term "flexible hiring authority" means the authority to the extent that—

(1) the employee performance of that function with the costs of performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Federal Government than if the activity or function were performed by Federal Government employees;

(2) there should be no change to existing 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. SENSE OF CONGRESS ON WOMEN IN COMBAT.

It is the sense of Congress that—

(1) women play a critical role in the accomplishment of the mission of the Armed Forces,

(2) there should be no change to existing statutes, regulations, or policy that would
have the effect of decreasing the roles or positions available to women in the Armed Forces.

SA 1444. Mrs. CLINTON (for herself and Mr. KENNEDY) 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 G of title X, add the following:

SEC. 1073. RETENTION OF REIMBURSEMENT FOR LIQUIDATION OF EXCESSUAL FIRE PROTECTION SERVICES.

Section 5 of the Act of May 27, 1965 (chapter 105; 69 Stat. 67; 42 U.S.C. 1806d) is amended—

(1) by striking “Funds” and inserting “(a) Funds”;

and

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

“(b) Notwithstanding the provisions of subsection (a), all sums received for any Department of Commerce activity for fire protection rendering pursuant to this Act shall be credited to the appropriation fund or account from which the expenses were paid. Amounts so credited shall be merged with funds in such appropriation fund or account and shall be available for the same purposes and subject to the same limitations as the funds with which the funds are merged.”.

SA 1445. Mr. SARBAJNIS (for himself and Ms. MIKULSKI) 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. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) Grant of Charter.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

“CHAPTER 1201.—[RESERVED];”

and

(2) by inserting after chapter 1103 the following new chapter:

“CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED 120101*

“Sec. 120101. Organization

“(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated, (in this chapter, the ‘corporation’), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and that is organized under the laws of the State of New York, is a federally chartered corporation.

“(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

120102. Purposes

“The purposes of the corporation are those provided in its articles of incorporation and shall include the following:

“(1) Organize as a veterans service organization in order to maintain a continuing interest in the welfare of veterans of the Korean War, and rehabilitation of the disabled veterans of the Korean War to include all that served during active hostilities and subsequently in defense of the Republic of Korea, and who served during active duty in the Armed Forces.

“(2) To establish facilities for the assistance of all veterans and to represent them in their claims before the Department of Veterans Affairs and other organizations without charge.

“(3) To perpetuate and preserve the comradeship and friendships born on the field of battle and enjoyed by the common experience of service to our nation during the time of war and peace.

“(4) To honor the memory of those men and women who gave their lives that a free America and a free world might live by the creation of living memorial, monuments, and other forms of additional educational, cultural, and recreational facilities.

“(5) To preserve for ourselves and our posterity the great and basic truths and enduring principles upon which this nation was founded.

120103. Membership

“Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

120104. Governing body

“(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation of the corporation.

“(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation.

120105. Powers

“The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

120106. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

“(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

“(c) LOANS.—The corporation may not make a loan to a director, officer, or employee of the corporation.

“(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—In any action or proceeding the corporation may not claim governmental approval, or the authority of the United States, for any of its activities.

“(e) CORPORATE STATUS.—The corporation shall be treated as a corporation incorporated under the laws of the State of New York.

120107. Tax-exempt status required as condition of charter

“If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

120108. Records and inspection

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete records of account;

“(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

“(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

“(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

120109. Service of process

The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

120110. Liability for acts of officers and agents

“The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

120111. Annual report

“The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report required by section 1010(b) of this title. The report may not be printed as a public document.

120112. Definition

“For purposes of this chapter, the term ‘State’ includes the District of Columbia and the territories and possessions of the United States.

120113. CLERICAL AMENDMENT.—The item relating to chapter 1201 in the table of chapters at the beginning of subtitle II of title 36, United States Code, is amended to read as follows:

“Korean War Veterans Association, Incorporated 120101*”.

SA 1446. Mr. CORZINE 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. REDUCTION IN AGE FOR RECEIPT OF MILITARY RETIRED PAY FOR NON-REGULAR SERVICE.

(a) REDUCTION IN AGE.—Section 1273(a)(1) of title 10, United States Code, is amended by striking “at least 60 years of age” and inserting “at least 55 years of age”.

(b) APPLICATION TO EXISTING 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 the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

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

SA 1447. Mr. HARKIN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 192, 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 IX, add the following:

SEC. 903. AMERICAN FORCES NETWORK.

(a) Mission.—The American Forces Network (AFN) shall provide members of the Armed Forces, civilian employees of the Department of Defense, and their families stationed outside the continental United States and at sea with the same type and quality of American radio and television news, information, and entertainment as is available in the continental United States.

(b) POLITICAL PROGRAMMING.—

(1) FAIRNESS AND BALANCE.—All political programming of the American Forces Network shall be characterized by its fairness and balance.

(2) FREE FLOW OF PROGRAMMING.—The American Forces Network shall provide in its programming a free flow of political programming from United States combat and public radio and television stations.

(c) OMBUDSMAN OF THE AMERICAN FORCES NETWORK.—

(1) ESTABLISHMENT.—There is hereby established the Office of the Ombudsman of the American Forces Network. (2) HEAD OF OFFICE.—(A) OMBUDSMAN.—The head of the Office of the Ombudsman of the American Forces Network shall be the Ombudsman of the American Forces Network (in this subsection referred to as the "Ombudsman") who shall be appointed by the Secretary of Defense.

(B) QUALIFICATIONS.—Any individual nominated for appointment to the position of Ombudsman shall have recognized expertise in the field of military communications, print media, or broadcast media.

(C) PART-TIME STATUS.—The position of Ombudsman shall be a part-time position.

(D) TERM.—The term of office of the Ombudsman shall be five years.

(E) REMOVAL.—The Ombudsman may be removed from office by the Secretary only for malfeasance.

(3) DUTIES.—

(A) IN GENERAL.—The Ombudsman shall ensure that the American Forces Network adheres to the policies and practices of the Network in its programming.

(B) PARTICULAR DUTIES.—In carrying out the duties of the Ombudsman under this paragraph, the Ombudsman shall—

(i) initiate and conduct, with such frequency as the Ombudsman considers appropriate, reviews of the integrity, fairness, and balance of the programming of the American Forces Network;

(ii) initiate and conduct, upon the request of Congress, reviews of programming of the American Forces Network, reviews of the programming of the Network;

(iii) identify, pursuant to reviews under clause (ii), circumstances in which the American Forces Network has not adhered to the standards and practices of the Network in its programming, including circumstances in which the programming of the Network lacked integrity, fairness, or balance; and

(iv) make recommendations to the American Forces Network on means of correcting the lack of adherence identified pursuant to clause (iii).

(C) LIMITATION.—In carrying out the duties of the Ombudsman under this paragraph, the Ombudsman may not engage in any pre-broadcast censorship or pre-broadcast review of the programming of the American Forces Network.

(D) RESOURCES.—The Secretary of Defense shall provide the Office of the Ombudsman of the American Forces Network such personnel and other resources as the Secretary and the Ombudsman jointly determine appropriate to permit the Ombudsman to carry out the duties of the Ombudsman under paragraph (3). (E) INDEPENDENCE.—The Secretary shall take appropriate actions to ensure the complete independence of the Ombudsman and the Office of the Ombudsman of the American Forces Network within the Department of Defense.

(f) ANNUAL REPORTS.—

(A) IN GENERAL.—The Ombudsman shall submit to the Secretary of Defense and the congressional defense committees each year a report on the activities of the Office of the Ombudsman of the American Forces Network during the preceding year.

(B) AVAILABILITY TO PUBLIC.—The Ombudsman shall make available to the public each report submitted under subparagraph (A) through the Internet website of the Office of the Ombudsman of the American Forces Network and by such other means as the Ombudsman considers appropriate.

SA 1448. Mr. BIDEN (for himself, Mr. CARPER, and 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 B of title VII, add the following:

SEC. 718. RESPONSIBILITY OF MEDICAL NECESSITIES ARISING FROM MILITARY VACCINATIONS.

(a) IN GENERAL.—The Secretary of Defense shall maintain a joint military medical center of excellence focusing on the medical needs arising from mandatory military vaccinations.

(b) ELEMENTS.—The joint military medical center of excellence under subsection (a) shall consist of the following:

(1) The Health Care Centers of the Department of Defense, which shall be the principal elements of the center.

(2) Any other elements that the Secretary considers appropriate.

(c) AUTHORIZED ACTIVITIES.—In acting as the principal elements of the joint military medical center under subsection (a), the Vaccine Health Care Centers referred to in subsection (b)(i) may carry out the following:

(1) Medical assistance and care to individual military vaccine recipients and their dependents, including long-term case management for adverse events where necessary.

(2) Investigations to identify and treat potential and actual health effects from vaccines before and after their use in the field.

(3) The development and sustainment of a long-term vaccine safety and efficacy registry.

(4) Support for an expert clinical advisory board for case reviews related to disability assessment questions.

(5) Long-term and short-term studies to identify unanticipated benefits and adverse events from vaccines.

(6) Educational outreach for immunization providers and those requiring immunizations.

(7) The development, dissemination, and validation of educational materials for Department of Defense healthcare workers relating to vaccine safety, efficacy, and acceptability.

SA 1449. Mr. KERRY 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. DISASTER RELIEF FOR SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) DROUGHT DISASTER AUTHORITY.—

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

(A) by inserting "(1)" after "(k)"; and

(B) by adding at the end the following:

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

(A) drought; and

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

(b) DROUGHT DISASTER RELIEF AUTHORITY.—

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

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

(B) in subparagraph (B), by striking "the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)" and inserting the following: "section 502 of the Consolidated Farmers Home Administration Act of 1961, and the Farmers Home Administration Act of 1961, both of which acts, in section 502, authorize loans under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), not more than $9,000,000 may be used during each of fiscal years 2005 through 2008, to provide drought-related loans to non-farm-related small business concerns in accordance with this section and the amendments made by this section, subject to the applicable requirements of this paragraph.";

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

(c) PROMPT RESPONSE TO DISASTER REQUESTS.—Section 7(b)(2)(D) of the Small
Business Act (15 U.S.C. 636(b)(2)(D)) is amended by striking "Upon receipt of such certification, the Administration may" and inserting "Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall respond in writing to the Governor on the determination and the reasons therefor, and make such conforming changes as may be necessary.".

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

SA 1450. Mr. OBAMA (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes: which was ordered to lie on the table; as follows:

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

SEC. 563. LIMITATIONS ON INQUIRIES BY EMPLOYERS REGARDING SERVICE IN THE UNIFORMED SERVICES OF PROFESSIONAL SPORTS PERSONNEL.

Section 4311 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 new subsection (c):

"(c) A prospective employer shall not ask or inquire, whether orally or in writing, about the membership in the uniformed services of a person seeking employment with such employer—

"(I) such membership is a condition of employment; or

"(II) such employer has a formal written policy of providing preference in hiring to current members of the uniformed services, veterans, or both."; and

(3) in subsection (d), as redesignated by paragraph (1) of this section—

(A) in paragraph (1), by striking "or" at the end;

(B) in paragraph (2), by striking the period at the end and adding the following:

"or"; and

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

"(4) under subsection (c), if the employer makes an inquiry prohibited by that subsection.".

SA 1451. Ms. LANDRIEU 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 F of title VI, add the following:

SEC. 573. MENTAL HEALTH SCREENINGS OF MEMBERS OF THE ARMED FORCES FOR POST-TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) MENTAL HEALTH SCREENINGS.—

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

(2) FUNDING.—The first mental health screening of a member under this section shall be designed to determine the mental state of such member before deployment to a combat zone. Each other mental health screening of a member under this section shall be designed to detect symptoms or other evidence in such member of Post Traumatic Stress Disorder or other mental health condition relating to combat.

(b) TIME OF SCREENING.—A member shall receive a mental health screening under this section at times as follows:

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

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

(3) Whenever the member is screened for human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS).

(4) Whenever the member receives any other medical examination through the Department of Defense.

SA 1452. Ms. LANDRIEU 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 appropriate place insert the following:

SEC. 6. TAX CHECK-OFF FOR CERTAIN CONTRIBUTIONS TO ARMED FORCES RELIEF TRUST.

(a) TAX CHECK-OFF.—

(1) IN GENERAL.—In the case of an individual, with respect to each taxpayer's return for the taxable year of the tax imposed by chapter 1, such individual may designate that a contribution has been made for such taxable year to the Armed Forces Relief Trust.

(2) MANNER AND TIME OF DESIGNATION.—A designation under paragraph (1) may be made with respect to any taxable year only at the time of filing the return of the tax imposed by chapter 1 for such taxable year. Such designation shall be made in such manner as the Secretary prescribes by regulations except that such designation shall be made on the first page of the return in the area below the designation for income tax payments to the Presidential Election Campaign Fund.

(3) EXPLANATION OF TAX TREATMENT OF CONTRIBUTIONS TO ARMED FORCES RELIEF TRUST.—The Secretary shall provide taxpayers with an explanation that an above-the-line deduction under section 62(a)(22) of the Internal Revenue Code of 1986 is allowable.

(b) ABOVE-THE-LINK DEDUCTION.—Section 62(a) of the Internal Revenue Code of 1986 (as amended by this subsection) is amended by redesigning paragraph (20) as added by section 703(a) of the American Jobs Creation Act of 2004) as paragraph (21) and by inserting after paragraph (20) (as so redesignated) the following new paragraph:

"(21) CERTAIN CONTRIBUTIONS TO ARMED FORCES RELIEF TRUST.—The deduction allowed by section 170 which is attributable to contributions to the Armed Forces Relief Trust in excess of $1,000 may be taken as an additional above-the-line deduction under section 170 of the Internal Revenue Code of 1986 is allowable.".

(c) TREATMENT OF CHARITABLE CONTRIBUTIONS TO ARMED FORCES RELIEF TRUST.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any contribution made to the Armed Forces Relief Trust or to a combat zone.

(2) AMENDMENTS OF CHARITABLE CONTRIBUTIONS.—The administration and distribution of any charitable contributions described in paragraph (1) shall be made by the Armed Forces Relief Trust subject to the advice of a board of directors the establishment and operation of which is determined under subsection (d).

(d) ADVISORY BOARD OF DIRECTORS.—

(1) APPOINTMENT.—

(A) IN GENERAL.—Within the Armed Forces Relief Trust there is established an advisory board of directors the members of which are appointed as follows:

(i) One individual appointed by the Chairman of the Committee on Finance of the Senate.

(ii) One individual appointed by the Chairman of the Committee on Armed Services of the Senate.

(iii) One individual appointed by the Chairman of the Committee on Veterans' Affairs of the Senate.

(iv) One individual appointed by the Chairman of the Committee on Appropriations of the Senate.

(B) TERMS.—The term of each member shall be 3 years, except that any member whose term of office has expired shall continue to serve until such member's successor is appointed. No member shall serve more than two 3-year terms.

(2) APPOINTMENT OF SUCCESSOR.—The appointment of any successor member shall be made in the same manner as the original appointment. If a member dies or resigns before the expiration of his term, his successor shall be appointed for the unexpired portion of the term in the same manner as the original appointment.

(3) NUMBER OF MEMBERS.—No member of the advisory board may be an employee of the Federal Government.

(4) CHAIRMAN; VICE CHAIRMAN.—A chairman and a vice chairman shall be elected by the board. The chairman and vice chairman shall serve more than two 3-year terms.

(5) DUTIES.—The duties of the chairman in the absence of the chairman.
(B) DUTIES OF CHAIRMAN.—The chairman shall call the meetings of the advisory board, propose meeting agendas, chair the meetings, and establish, with the approval of a majority of its membership, the rules and procedures for such meetings.

(3) OPERATIONS OF THE BOARD.—The advisory board shall meet semi-annually, for the purpose of advising the Secretary of Defense and the Armed Forces Reluctance Trust regarding the distribution of contributed funds, policies governing said distribution, and the administrative actions of the Armed Forces Reluctance Trust. A majority of the members shall constitute a quorum. Advisory board members shall serve without compensation. While performing duties as a member of the advisory board, each member shall be reimbursed under Federal Government travel regulations for travel expenses. Such reimbursements and any other reasonable expenses of the advisory board shall be provided by the budget of the Executive Office of the President.

(4) AUDIT.—The General Accountability Office shall audit the distribution and management of funds of the Armed Forces Reluctance Trust in accordance with laws to ensure compliance with statutory and administrative directives. The Comptroller General of the United States shall report to the advisory board and Congress on the results of such audit.

(5) REPORTS.—Within 60 days after its semi-annual meeting, the advisory board shall submit a report to the President of its action, and of its views and recommendations. Any report other than the semi-annual report, shall, if approved by a majority of the members of the advisory board, be submitted to the President within 60 days after such approval.

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SA 1453. 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:

In subtitile B of title VII of the bill, add the following at the end:

SEC. 718. PANDEMIC AVIAN INFLUENZA PREPAREDNESS.

(a) STUDY.—The Secretary of Defense, in collaboration with the Secretary of Health and Human Services, shall conduct an ongoing study within the Department of Defense to prepare for pandemic influenza, including domestic and international, influences. In conducting such study the Secretary shall address the availability, with respect to military and civilian personnel—

(1) the procurement of vaccines, antivirals, and other medicines, and medical supplies, including personal protective equipment, particularly those that must be imported;

(2) protocols for the allocation and distribution of vaccines and medicines among high priority populations, including civilian and Department of Defense personnel;

(3) public health containment measures that may be implemented on military bases and other facilities, including quarantine, travel restrictions and other isolation precautions;

(4) communication with Department of Defense affiliated health providers about pandemic preparedness measures; and

(5) surge capacity for the provision of medical care during pandemics;

(6) the availability and delivery of food and basic supplies and services;

(7) surveillance efforts domestically and internationally, including those utilizing the Global Emerging Diseases Surveillance Network (GERSN) and how such efforts are integrated with other ongoing surveillance systems;

(8) the integration of pandemic and re-agencying to other Federal departments, including the Department of Health and Human Services, Department of the Veterans Affairs, Department of State, and USAID;

(9) collaboration (as appropriate) with international entities engaged in pandemic preparedness and response;

(b) Submission to Congress.—Not later than 120 days after the date of enactment of this Act, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives, a report concerning the results of the study conducted under subsection (a).

SA 1454. Mr. LEAHY 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 subtitile B of title VIII, add the following:

SEC. 815. COMPLIANCE WITH BERRY AMENDMENT REGARDING CERTAIN SPECIALTY METALS.

(1) in subsection (a), by striking ''(h)'' and inserting ''(i)'';

(2) by redesignating subsections (f), (g), (h), (i), and (j) as subsections (g), (h), (i), (j), and (k), respectively; and

(3) by inserting after subsection (e) the following new subsection (f):

''(f) EXCEPTION FOR SPECIALTY METALS TO FACILITATE MILITARY CONSTRUCTION.—Section 2333a of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''(h)'' and inserting ''(i)'';

(2) by redesignating subsections (f), (g), (h), (i), (j), and (k) as subsections (g), (h), (i), (j), and (k), respectively; and

(3) by inserting after subsection (e) the following new subsection (f):

''(f) EXCEPTION FOR SPECIALTY METALS TO FACILITATE MILITARY CONSTRUCTION.—Section 2333a of title 10, United States Code, is amended—

''(1) in subsection (a), by striking ''(h)'' and inserting ''(i)'';

''(2) by redesignating subsections (f), (g), (h), (i), (j), and (k) as subsections (g), (h), (i), (j), and (k), respectively; and

''(3) by inserting after subsection (e) the following new subsection (f):

''(f) The General Accountability Office shall audit the distribution and management of funds of the Armed Forces Reluctance Trust in accordance with laws to ensure compliance with statutory and administrative directives. The Comptroller General of the United States shall report to the advisory board and Congress on the results of such audit.

SA 1455. Ms. LANDRIEU 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:

This subtitle may be cited as the “Peace of Mind for Our Armed Forces and Their Family Members Act of 2005”.

SEC. 722. MENTAL HEALTH SCREENINGS FOR POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

(a) SCREENINGS OF MEMBERS OF ARMED FORCES.—

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

(b) NATURE OF SCREENINGS.—The first mental health screening of a member under this subsection shall be designed to determine the mental state of such member before deployment. Each other mental health screening of a member under this subsection shall be designated to detect symptoms or other evidence in such member of Post Traumatic Stress Disorder (PTSD) or other mental health condition relating to combat.

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

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

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

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

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

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

(b) SCREENING OF DEPENDENTS.—Subject to the availability of facilities and resources, the Secretary concerned may perform mental health screenings of any dependent of a member of the Armed Forces deployed in a combat operation or to a combat zone who requests such screenings under this section.

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

SEC. 743. LEADERSHIP TRAINING ON POST TRAUMATIC STRESS DISORDER.

(a) TRAINING REQUIRED.—Each Secretary concerned shall prescribe training for military personnel on the causes, symptoms, and effects of Post Traumatic Stress Disorder (PTSD) to members of Cong. Rec. 2005, S8841.
the Armed Forces who serve as commanders of military units at the company level and above.

(b) TRAINING FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS IN SUCH PROGRAMS.

(1) Information on the availability of mental health screenings under section 2 for members of the Armed Forces and their dependents.

(2) Information on various means of encouraging members of the Armed Forces who may be suffering Post Traumatic Stress Disorder to seek evaluation and treatment.

(3) Such other information on Post Traumatic Stress Disorder, and the identification, evaluation, and treatment of Post Traumatic Stress Disorder, as the Secretary concerned considers appropriate.

SEC. 744. TRAINING AND EDUCATION OF MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ON POST TRAUMATIC STRESS DISORDER.

(a) TRAINING FOR MEMBERS OF THE ARMED FORCES.—Each Secretary concerned shall provide training on the causes, symptoms, and effects of Post Traumatic Stress Disorder (PTSD) to members of the Armed Forces.

(b) EDUCATION FOR DEPENDENTS.—Each Secretary concerned shall take such actions to make available to the dependents of members of the Armed Forces information on the causes, symptoms, and effects of Post Traumatic Stress Disorder in members of the Armed Forces.

SEC. 745. TREATMENT PROGRAMS FOR POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.

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

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

(1) a description of the programs implemented or enhanced under that subsection, including a description of how such programs will improve the treatment of members of the Armed Forces for Post Traumatic Stress Disorder; and

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

SEC. 746. DEFINITIONS.

In this subtitle:

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

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

SA 1456. Ms. LANDRIEU 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. 358. SENSE OF SENATE ON TAX RELIEF FOR EMPLOYERS WHO COVER PAY GAP OF MOBILIZED EMPLOYEES WHO ARE MEMBERS OF THE NATIONAL GUARD AND RESERVES.

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

(1) More than 137,000 members of the National Guard and the Reserves have been called or ordered to active duty.

(2) 7,400 members of the National Guard and the Reserves are serving bravely in the war on terrorism.

(3) When a member of the National Guard or the Reserves is called or ordered to active duty, the member faces a loss of income in the difference between the amount of the member’s civilian pay and the member’s military pay (often referred to as a ‘‘pay gap’’) because military salaries are less than civilian salaries. More than 51 percent of our citizen soldiers take a pay cut when they are deployed, and 11 percent of them lose more than $2,500 per month.

(4) The pay gap can make it difficult for military families to make ends meet while a member of the National Guard or the Reserves is mobilized for duty.

(5) There are hundreds, if not thousands, of patriotic employers that continue to pay the salaries of members of the National Guard and the Reserves who are called or ordered to active duty.

(6) Some of these employers not only continue to pay salaries to their employees who are members of the National Guard or the Reserves on active duty, they often need to hire a temporary employee to keep their businesses going while such employees are on active duty.

(7) While these patriotic employers make this sacrifice, there are thousands more who cannot afford to do so.

(b) SENSE OF SENATE.—It is the sense of the Senate that the tax provisions under budget reconciliation should contain provisions to provide tax relief to employers who make up the pay gap for their employees who are called or ordered to active duty in the National Guard or the Reserves.

SEC. 1314. COMPENSATION OF ENERGY EMPLOYEES EXPOSED TO RESIDUAL BERYLLIUM CONTAMINATION.

(a) AMENDMENTS TO ENERGY EMPLOYEES OCCUPATIONAL ILLNESS PROGRAM.—The Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Energy and Water Development Appropriations Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398)) is amended as follows:

(1) EMPLOYEES COVERED UNDER PROGRAM.—Section 3621(c)(7)(C) (42 U.S.C. 7384l(c)(7)(C)) is amended by striking ‘‘during a period when the vendor was engaged in activities related to the production of beryllium for sale to, or use by, the Department of Energy’’ and inserting the following: ‘‘during a period when the vendor was engaged in activities related to the production or processing of beryllium for sale to, or use by, the Department of Energy or the Department of Commerce on behalf of the Department of Energy’’.

(b) DETERMINATION OF BERYLLIUM EXPOSURE.—Section 3623(a) (42 U.S.C. 7384n(a)) is amended—

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

(B) by striking ‘‘A covered beryllium employee’’ and inserting ‘‘(1) A covered beryllium employee’’;

(C) by inserting after ‘‘such facility’’ the following: ‘‘or significant residual beryllium remained after the termination at such facility of activities related to the production or processing of beryllium’’; and

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

‘‘(2) A covered beryllium employee exposed to residual beryllium while present in a facility that engaged in activities related to the production or processing of beryllium for sale to, or use by, the Department of Energy and one or more other entities shall be determined to have been exposed to beryllium in the performance of duty for the purposes of the compensation program regardless of whether the source of such exposure can be traced and published by reliable documentation.’’.

(c) REQUIREMENT TO EXPAND LIST OF BERYLLIUM VENDORS.—Section 3622 (42 U.S.C. 7384l) is amended—

(A) by striking ‘‘which was ordered to lie on the table; as follows:’’ and inserting ‘‘which was ordered to lie on the table; as follows:’’;

(B) by inserting at the end the following new paragraph:

‘‘(3) $4,200,000 may be available for the projects listed in section 3622(b) for the period ending on December 31, 2002, the President may authorize to expand the list of beryllium vendors.’’;

(C) by inserting at the end the following new paragraph:

‘‘(4) $7,600,000 may be available for the projects described in section 3622(b) for the period ending on December 31, 2002, the President may authorize to expand the list of beryllium vendors.’’.
2005, and annually thereafter until December 31, 2008, the President shall:

(b) UPDATES OF REPORTS ON RESIDENT CON-PAMINATION.—

(1) REQUIRED.—Section 312 of the Ronald W. Reagan Na-tional Defense Authorization Act for Fiscal Year 2006 (Public Law 109–367; 42 U.S.C. 7384 note) is amended to read as fol-lows:

‘‘(a) UPDATES OF REPORT.—Not later than 14 days after a residual beryllium report is con-pleted by the Director of the Natio-nal Institute for Occupational Safety and Health completes an internal review of such report, the Director shall submit to Con-gress the report required by section 315(b) of the National Defense Au-thorization Act for Fiscal Year 2002 (Public Law 107–197; 42 U.S.C. 7384 note) that in-cludes with respect to each facility the appli-cable elements described in subsection (b).’’.

(2) CONFORMING AMENDMENTS.—Such sec-tion is further amended—

(A) in subsection (b), by striking ‘‘The up-date’’ and inserting ‘‘Each update submitted under subsection (a)’’;

(B) in subsection (c), by striking ‘‘the report’’ and inserting ‘‘each report’’; and

(C) in the heading, by striking ‘‘update’’ and inserting ‘‘updates’’.

SA 1459. Mr. NELSON of Florida submitted an amendment intended to be pro-posed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the De-partment of Defense, for military construction, and for defense activities of the De-partment of Energy, to prescribe person-nel 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:

**Subtitle H—Convention Against Torture Implementation**

SEC. 1081. SHORT TITLE. This subtitle may be cited as the ‘‘Convention Against Torture Implementation Act of 2005’’.

SEC. 1082. PROHIBITION ON CERTAIN TRANS-FERENCES OF PERSONS. (a) PROHIBITION.—No person in the custody or control of a department, agency, or of-ficial of United States Government, or of any contractor of any such department or agen-cy, shall be expelled, returned, or extradited to another country, whether directly or indi-recely, if—

(1) the country is included on the most re-cent list submitted to Congress by the Sec-retary of State under section 1083; or

(2) there are otherwise substantial grounds for believing that the person would be in danger of being subjected to torture.

(b) EXCEPTIONS.—

(1) WAIVERS.—The Secretary of State may waive the prohibition in subsection (a)(1) with respect to a country if the Secretary certifies to the appropriate congressional committees that—

(i) the acts of torture that were the basis for including that country the list have ended; and

(ii) there is in place a mechanism that assures the Secretary in a verifiable manner that a person expelled, returned, or extra-dited to that country will not be tortured in that country, including, at a minimum, imme-diate, unfettered, and continuing access, from the point of return, to such person by an independent humanitarian organization.

(B) REPORTS ON WAIVERS.—

(i) REPORTS REQUIRED.—For each person ex-pelled, returned, or extradited under a waiver provided under subparagraph (A), the head of the appropriate government agency mak-ing such transfer shall submit to the appro-priate congressional committees a report that includes the name and nationality of the person transferred, the date of transfer, the reason for such transfer, and the name of the receiving country.

(ii) FORM.—Each report under this subpara-graph shall be submitted, to the extent prac-ticable, in unclassified form, but may in-clude a classified annex as necessary to pro-tection the national security of the United States.

(2) EXTRADITION OR REMOVAL.—The prohibi-tion in subsection (a)(1) may not be con-strued to apply to the legal extradition of a person by the appropriate government for ex-tradition treaty or to the legal removal of a person under the immigration laws of the United States if, before such extradition or removal, the person has recourse to a United States court of competent jurisdiction to challenge such extradition or removal.

SEC. 1083. REPORTS ON COUNTRIES USING TOR-TURE.

Not later than 30 days after the effective date of this subtitle, the heads of the appropriate govern-ment agencies shall publish in the Federal Register the applicable inter-regu-lations for the purpose of carrying out this subtitle and implementing the obligations of the United States under Article 3 of the Conven-tion Against Torture, subject to any reser-vations, understandings, declarations, and provisos contained in the Senate resolution advising and consent to the ratification of the Convention Against Torture, and consistent with the provisions of this subtitle.

(b) FINAL REGULATIONS.—Not later than 180 days after inter-regulations are published under subsection (a), the Head of the appropriate government agency shall prescribe final regula-tions for the purposes described in sub-section (a).

**SEC. 1084. REPEAL OF SUPERSEDED AUTHORITY.**


**SEC. 1085. SAVINGS CLAUSE.**

Nothing in this subtitle shall be construed to diminish, limit, or otherwise modify any way the obligations of the United States or the rights of any individual under the Conven-tion Against Torture or any other applicable international agreement.

**SEC. 1086. REPEAL OF SUPERSEDED AUTHORITY.**

James Nicholson reported that over 103,000 veterans of the Global War on Terrorism, including operations in Iraq, are projected to seek health care from the Department of Veterans Affairs by year 2006. It is clear that the Department of Veterans Affairs is struggling to keep up with the increased workload faced as a result of large numbers of veterans returning from Operations Iraqi Freedom and other critical operations that required medical attention and critical operations if the number of wounded and disabled service members is not accurately reported.

Subtitle B—Accounting for Casualties Incurred in the Prosecution of the Global War on Terrorism

SEC. 11. MONTHLY ACCOUNTING.

Not later than 5 days after the end of each calendar month, the Secretary of Defense shall publish, for each operation described in section 902, a report containing the number of casualties among the members of the Armed Forces that were incurred in such operation during that month.

SEC. 12. OPERATIONS COVERED.

The operations referred to in section 11 are as follows:

(1) Operation Iraq Freedom.
(2) Operation Enduring Freedom.
(3) Each other operation undertaken by the Armed Forces in the prosecution of the Global War on Terrorism.

For the purpose of providing a full and complete accounting of casualties covered by a report under section 11, the Secretary of Defense shall include in the report the number of casualties in each casualty status in accordance with section 14.
SEC. 16. SENSE OF CONGRESS. It is the sense of Congress that full and accurate reporting of casualties among the members of the Armed Forces is essential to the actual and effective implementation of the national defense plan for and to provide the resources necessary to ensure that the Department of Veterans Affairs can provide sufficient health care and treatment of the members of the Armed Forces returning from theaters of conflict.

SA 1462. Mr. LUTENBERG (for himself, Mrs. MURRAY, Mr. OBAMA, Mr. CORZINE, and Mrs. FEINSTEIN) 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 the Army, 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 subsection A of title VII, add the following:

SEC. 705. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF MEDICAL TREATMENT FACILITIES OR OTHER DEPARTMENT OF DEFENSE FACILITIES.

Section 1004 of title 10, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking "(a) RESTRICTION ON USE OF FUNDS.--".

SA 1463. Mr. HARKIN (for himself and Mr. GRASSLEY) 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 357, between lines 19 and 20, insert the following:

SEC. 7843. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, MIDDLETOWN, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Middletown (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 any improvements thereon, consisting of approximately 1.0 acres located at the Iowa Army Ammunition Plant, Middletown, Iowa.

(b) TERMS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary may require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs associated with 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 incurred by the Secretary, to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) REIMBURSEMENT.—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 real property to be conveyed shall be determined by surveys satisfactory to the Secretary. The cost of each survey shall be borne by the City.

SEC. 1464. Mr. LOTT 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 B of title I, add the following:

SEC. 114. E-HUNTER UNMANNED AERIAL VEHICLE KITS.

Of the amount authorized to be appropriated by section 101(5) for other procurement for the Army, $50,000,000 shall be available for the procurement and installation of E-Hunter Unmanned Aerial Vehicle (UAV) kits.

SA 1465. Mr. LOTT (for himself, Mr. COCHRAN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 224. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.

Of the amount authorized to be appropriated by section 201(5) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense, $30,000,000 may be available for coproduction of the Arrow ballistic missile defense system.

SA 1466. Mr. LOTT (for himself and Mr. COCHRAN) 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. 2587. RELEASE OF RIGHT TO PAYMENT FROM REVERSIONARY INTEREST HOLDERS FOR IMPROVEMENTS TO MILITARY INSTALLATIONS CLOSED OR REALIGNED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

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

SA 1467. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. __. 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), by striking "30" and inserting "60"; and

(2) 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;".

SEC. __. 2006 APPROPRIATIONS FOR THE ACQUISITION OF BALLISTIC MISSILE DEFENSE SYSTEMS.

The appropriations for fiscal year 2006 for the acquisition of ballistic missile defense systems for military construction, defense activities, and other purposes, shall be $4,180,000,000.

SEC. __. REPORTS TO CONGRESS ON ACQUISITION OF BALLISTIC MISSILE DEFENSE SYSTEMS.

The Secretary of Defense shall submit to the Congress a report with respect to each acquisition of ballistic missile defense systems:

(1) In general.—The President; and

(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 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. Each such summary and analysis shall include an appendix detailing dissenting views and any objections at the end the following new subsections:

"(l) CONGRESSIONAL AUTHORITY.—

"(1) The President does not suspend or prohibit an acquisition, merger, or takeover under subsection (d), the acquisition, merger, or takeover may not be summarized until 30 legislative days after the President notifies the Congress of the decision not to suspend or prohibit. If a joint resolution objecting to the proposed transaction is introduced in either House of Congress by the chairman of one of the appropriate congressional committees during such period, the transaction may not be considered until 30 legislative days after such resolution is introduced.

"(2) DISAPPROVAL UPON PASSAGE OF RESOLUTION.—If a joint resolution introduced under paragraph (1) is enrolled into law, the transaction may not be consummated.

"(3) 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).

"(4) SENATE PROCEDURE.—A 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).

"(5) 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 under this section 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 1468. Mr. THOMAS 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. RENEWAL OF MORATORIUM ON RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

Section 1051(c) of the National Defense Authorization Act for Fiscal Year 2006 and ending on the date that is eight years after that date before the period.

SA 1470. Mr. BENNETT 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 IX, add the following:

SEC. 912. STUDY ON USE OF SPACE SHUTTLE-DE-RIVED LAUNCH SYSTEM TO MEET SPACE DEPLOYMENT REQUIREMENTS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study to evaluate the feasibility and advisability of utilizing a space launch system derived from the Space Shuttle to meet current and future space launch requirements for medium and heavy payloads for national security purposes as a complement to current space launch vehicles.

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

(1) A comparison of the reliability of the space launch system described in that subsection with the vehicles referred to in that subsection.

(2) A comparison of the workforce available to support such system and to support such vehicles.

(3) A comparative assessment of the infrastructure investment required for such system and for such vehicles.

(4) A comparative assessment of the impact of the utilization of such vehicle and the utilization of such vehicle on other weapons systems.

(5) An identification of single points of failure, if any, in such system and in such vehicles.

(6) An identification and comparison of any economies of scale with other departments and agencies of the Federal Government that might result from the utilization of such system or of such vehicles.

(c) REPORT.—The Secretary shall submit to the congressional defense committees a report on the study required by subsection (a) not later than February 28, 2006.

SA 1471. Mr. VITTER 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. DEFENSE SCIENCE BOARD STUDY ON DEPLOYMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVES IN THE GLOBAL WAR ON TERRORISM.

(a) STUDY REQUIRED.—The Defense Science Board shall conduct a study of the length and frequency of the deployment of members of the National Guard and the Reserves as a result of the global war on terrorism.

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

(1) An identification of the current range of lengths and frequencies of deployments of members of the National Guard and the Reserves.

(2) An assessment of the consequences for force structure, morale, and missions capabilities of deployments of members of the National Guard and the Reserves in the course of the global war on terrorism that are lengthy, frequent, or both.

(3) An identification of the optimal length and frequency of deployments of members of the National Guard and the Reserves during the global war on terrorism.

(4) An identification of mechanisms to reduce the length, frequency, or both of deployments of members of the National Guard and the Reserves during the global war on terrorism.

(c) REPORT.—Not later than May 1, 2006, the Defense Science Board shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include the results of the study and such recommendations as the Defense Science Board considers appropriate in light of the study.

SA 1472. Mr. SPECTER 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 H of title V, add the following:

SEC. 506. AWARD OF COMBAT MEDICAL BADGE (CMB) OR OTHER COMBAT BADGE FOR MILITARY CONSTRUCTION, ARMED FORCES, OR 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:

None of the funds authorized to be appropriated to the Department of the Army by section 2801 of this Act for the Reserve for military construction may be made available for construction of an Army Reserve center at Ellington Field, Texas.

SA 1475. Mr. CRAIG 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 117, line 11, insert “through a computer-accessible Internet website and other means” and “before at no cost”.

SA 1474. 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 438, line 5, insert “$2,959,642,000”.

SEC. 2056. PROHIBITION ON USE OF FUNDS FOR ARMY RESERVE MILITARY CONSTRUCTION PROJECT AT ELLINGTON FIELD, TEXAS.

None of the funds authorized to be appropriated to the Department of the Army by section 2801(a)(1) for the Army Reserve for military construction may be made available for construction of an Army Reserve center at Ellington Field, Texas.

SA 1476. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title XII, insert the following:

SEC. 1295. THE UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION.

(a) FINDINGS.—Congress finds the following:

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

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

(B) United States and vital long-term interests in Asia are being challenged by China’s robust regional economic engagement and diplomacy;

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

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

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

(F) China’s recent actions toward Taiwan call into question China’s commitments to a peaceful resolution;

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

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

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

(b) SENSE OF CONGRESS.—

(1) PLAN.—The President is strongly urged to take immediate steps to establish a plan to implement the recommendations contained in the 2004 Report to Congress of the United States-China Economic and Security Review Commission in order to correct the negative implications that current trends in United States-China relations have for United States long-term economic and national security interests.

(2) CONCLUSIONS.—Such a plan should contain the following:

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

(i) encouraging China to provide for a substantial upward revaluation of the Chinese yuan against the United States dollar;

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

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

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

(C) Actions to encourage United States diplomatic efforts to foster the initiatives to revitalize United States engagement with China’s Asian neighbors. The initiatives should have a regional focus and complement bilateral efforts. The Asia-Pacific Economic Cooperation forum (APEC) offers a ready mechanism for pursuit of such initiatives;

(D) Actions by the administration to hold China accountable for proliferation of prohibited technologies and to secure China’s agreement to renew efforts to curtail North Korea’s commercial export of ballistic missiles;

(E) Actions by the Secretaries of State and Energy to consult with the International Energy Agency with the objective of expanding the current loose experience-sharing arrangement, whereby China engages in some limited exchanges with the organization, to a more structured arrangement whereby China would be obligated to develop a meaningful strategic oil reserve, and coordinate release of stocks in supply disruption crises; and

(F) Actions by the administration to develop a coordinated, comprehensive national policy and strategy designed to meet China’s challenge to maintain United States scientific and technological leadership and competitiveness in the same way the administration is presently required to develop and pursue a national security strategy.

(G) Actions to review laws and regulations governing the Committee on Foreign Investment in the United States (CFIUS), including actions after authorizing whether national security should include the potential impact on national economic security as a criterion to be reviewed, and whether the chairmanship of CFIUS should be transferred from the Secretary of the Treasury to a more appropriate executive branch agency.
SA 1477. Mrs. HUTCHISON 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 end of subtitle B of title VI, add the following:

SEC. 624. ELIGIBILITY OF ORAL AND MAXILLOFACIAL SURGEONS FOR SPECIAL PAY FOR RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.

(a) In General.—Section 302(b)(2) of title 37, United States Code, is amended by inserting “oral and maxillofacial surgery,” after “in a health profession”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2005.

SA 1478. Mrs. HUTCHISON (for herself and Ms. MIKULSKI) 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 B of title VI, add the following:

SEC. 624. ELIGIBILITY OF ORAL AND MAXILLOFACIAL SURGEONS FOR INCENTIVE SPECIAL PAY FOR MEDICAL OFFICERS OF THE ARMED FORCES.

(a) In General.—For purposes of eligibility for incentive special pay payable under section 302(b)(2) of title 37, United States Code, oral and maxillofacial surgeons shall be treated as medical officers of the Armed Forces who may be paid variable special pay under section 302(a)(2) of such title.

(b) Effective Date.—Subsection (a) shall take effect on October 1, 2005, and shall apply with respect to incentive special pay payable under section 302(b)(2) of title 37, United States Code, on or after that date.

SA 1479. Mrs. HUTCHISON 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 377, after line 17, insert the following:

SEC. 846. SMALL DISADVANTAGED BUSINESSES.

(a) In General.—Subparagraphs (D) and (E) of section 8(a)(6) of the Small Business Act (15 U.S.C. 637(a)(6)), regarding asset withdrawals, shall not apply to a socially and economically disadvantaged small business concern if—

(1) the economic concern provides supplies or services under a Government prime contract or subcontract under the small business concern;

(2) such supplies or services are provided in whole or in part through the presence of the personnel of such small business concern in a qualified area; and

(b) Duration.—A waiver under subsection (a) shall last for the duration of the prime contract or subcontract with the Government under subsection (a)(1).

(c) Definitions.—As used in this section—

(1) the term “qualified area” means—

(A) a combat zone, as defined in section 112(c)(2) of the Internal Revenue Code of 1986; and

(B) an area designated by the Secretary of State as eligible for a danger pay allowance under section 5928 of title 5, United States Code; and

(c) DEFINITIONS.—As used in this section—

(1) the term “socially and economically disadvantage small business concern” has the meaning given that term under section 8(a)(6)(A) of the Small Business Act (15 U.S.C. 637(a)(6)(A)).

SA 1480. Mrs. HUTCHISON 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 appropriate place, insert the following:

SEC. 630. MODIFICATION OF AUTHORITY OF JOINT AERONAUTICAL RESEARCH WORKING GROUP.—Within 30 days after the date of enactment of this Act, the Secretary and the Administrator shall jointly determine the composition, operational procedures, and statement of work to guide the activities of the Working Group.

SA 1481. Mr. GRASSLEY 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. MODIFICATION OF AUTHORITY OF ARMY WORKING-CAPITAL FUNDED FACILITIES TO CONDUCT NON-ARMED FORCES ACTIVITIES WITH NON-ARMY ENTITIES.

(a) APPLICABILITY OF SUNSET.—Subsection (j) of section 4544 of title 10, United States Code, is amended by striking “September 30, 2009,” and all that follows through the end and inserting September 30, 2009.

(b) CREDITING OF PROCEEDS OF SALE OF ARTICLES AND SERVICES.—Such section is further amended—

(1) in subsection (d), by striking “subsection (e)” and inserting “subsection (f)”;

(2) by redesignating subsections (e), (f), (g), (h), and (i) as subsections (f), (g), (h), (i), and (j), respectively;

(3) by inserting after subsection (d) the following new subsection (e):—

“(e) PROCEEDS CREDITED TO WORKING CAPITAL FUND.—The proceeds of sale of an article or service pursuant to a contract or other cooperative arrangement under this section shall be credited to the working capital fund of the Government agency that issued the contract or performing the service.”;

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by striking “subsection (e)” and inserting “subsection (f)”.

SA 1482. Mr. OBAMA (for himself, Mr. BYRD, and Mr. DURBIN) 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 377, between lines 8 and 9, insert the following:

SEC. 2887. SENSE OF THE SENATE REGARDING REQUIREMENT TO OBTAIN CONSENT OF THE GOVERNORS AFFECTED BY MOVEMENT OR REALLOCATION OF AIRCRAFT FROM AIR NATIONAL GUARD.

It is the sense of the Senate that the movement or reallocation of aircraft from one Air...
National Guard unit to another Air National Guard unit—
(1) constitutes—
(A) a relocation or withdrawal of a unit for purposes of section 15228 of title 10, United States Code; and
(B) a “change in the branch, organization, or allotment of a unit” for purposes of section 101(c) of title 32, United States Code; and
(2) therefore requires the consent of the governor of an affected State.

SA 1483. Mr. REED 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 the following:

SEC. 1009. FUNDING FOR INCREASED PERSONNEL STRENGTHS FOR ARMY AND MARINE CORPS FOR FISCAL YEAR 2006.

(a) ADDITIONAL AMOUNTS.—
(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by $1,081,640,000.

(2) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, MARINE CORPS.—The amount authorized to be appropriated by section 303(3) for operation and maintenance for the Marine Corps is hereby increased by $31,431,000.

(b) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities is hereby increased by $121,397,000.

(c) ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount authorized to be appropriated by section 303(a) for the Defense Health Program is hereby increased by $2,527,520,000.

(d) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL.—The amount authorized to be appropriated by section 421 for military personnel is hereby increased by $170,571,000.

(2) OFFSETS FROM SUPPLEMENTAL AMOUNTS FOR IRAQ, AFGHANISTAN, AND GLOBAL WAR ON TERRORISM.

(1) OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 1406(1) is hereby reduced by $1,081,640,000.

(2) OPERATION AND MAINTENANCE, MARINE CORPS.—The amount authorized to be appropriated by section 1406(3) is hereby reduced by $31,431,000.

(3) OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated by section 1406(5) is hereby reduced by $121,397,000.

(4) DEFENSE HEALTH PROGRAM.—The amount authorized to be appropriated by section 1408(1) is hereby reduced by $2,527,520,000.

(5) MILITARY PERSONNEL, ARMY.—The amount authorized to be appropriated by section 1408(3) is hereby reduced by $170,571,000.

(6) MILITARY PERSONNEL, MARINE CORPS.—The amount authorized to be appropriated by section 1408(3) is hereby reduced by $170,571,000.

SA 1484. 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:

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

SEC. 1205. REPORT ON NUCLEAR WEAPONS DEVELOPMENT IN NORTH KOREA.

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

(1) Since the 1993 announcement by officials of the Government of North Korea that North Korea intended to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968 (21 UST 483) (hereinafter referred to as the “Nuclear Non-Proliferation Treaty”), the United States and its allies have carried out a number of diplomatic initiatives to address concerns related to nuclear weapons in North Korea.

(2) Diplomatic negotiations led to the Agreement Framework between the United States and North Korea, signed in Geneva June 1994 (hereinafter referred to as the “Agreement Framework”), under which more than 8,000 plutonium spent fuel rods suitable for reprocessing into weapons grade material were kept under international monitoring.

(3) During the period that the Agreement Framework has not been in effect since 2002—

(A) officials of the Government of North Korea have indicated that North Korea has reprocessed all of the 4,000 plutonium spent fuel rods that were previously under international monitoring so that such rods are in a form suitable for use in multiple nuclear weapons;

(B) North Korea has withdrawn from the Nuclear Non-Proliferation Treaty;

(C) officials of the Government of North Korea have indicated that North Korea has restarted its fissile material production reactor at Yongbyon which allows North Korea to prepare more nuclear weapons material.

(4) Since 2002, the United States diplomatic strategy with respect to nuclear materials in North Korea has centered on a six party talks process, the last meeting of which occurred in June 2004, and next meeting of which is expected to begin on July 26, 2005.

(5) Complete and open debate by Congress and the people of the United States of the national security interests and an accurate assessment of the diplomatic options available to the United States with respect to North Korea require that the most complete data regarding nuclear materials development in North Korea is available.

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

(1) the United States negotiators in the process of six party talks regarding the development of nuclear materials in North Korea should be fully empowered with the flexibility to seek new agreements and understandings that advance toward the goal of a denuclearized North Korea, as such agreements and understandings are in the national security interest of the United States; and

(2) such six party talks should occur in an ongoing, regular, and frequent basis.

(c) REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to Congress a report on the development of nuclear materials in North Korea. Such report shall include—

(A) an estimate of the number of nuclear weapons that the President determines that it is likely that North Korea produced—

(i) prior to the signing of the Agreement Framework in 1994;

(ii) during the period from 1994 through 2002 that the Agreement Framework was in effect; and

(iii) after the date that the United States and North Korea ceased adhering to the Agreement Framework in 2002; and

(B) an assessment of the number of plutonium and uranium-based nuclear weapons that the President believes—

(i) believes that North Korea has control of on the date of the enactment of the Act; and

(ii) projects that North Korea could have control of on the date of the enactment of the Act if diplomatic efforts to prevent the proliferation of nuclear materials in North Korea are unsuccessful.

(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in an unclassified form.

SA 1485. 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 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, insert the following:

SEC. 1205. SENSE OF CONGRESS ON UNITED STATES PARTICIPATION IN CONFERENCE ON DISARMAMENT.

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

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968 (21 UST 483) (hereinafter referred to as the “Nuclear Non-Proliferation Treaty”), which has 188 party countries, is the cornerstone of the international regime to prevent the spread of nuclear weapons.

(2) Since 1975, a Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons has been held every five years to review the Nuclear Non-Proliferation Treaty, evaluate the progress that has been made, and assess the additional steps that must be carried out to prevent the spread of nuclear weapons.

(3) The Nuclear Non-Proliferation Treaty must be strengthened to respond to current proliferation challenges, and the leadership of the United States is crucial in such effort.

(4) The United States was represented at each of the first four Review Conferences, which were held during 1975, 1980, 1985, and 1990, by an official no lower than the equivalent of a Deputy Secretary of State, who reported directly to the Secretary of State, and at the last two conferences, which were held during 1995 and 2000, the United States was represented by the Vice President and the Secretary of State.

(5) The Assistant Secretary for Arms Control of the Department of State, who reports to the Secretary of State through the Under-Secretary for Arms Control and International Security Affairs and the Deputy Secretary of State, represented the United...
States at the 2005 Review Conference and was the lowest-level representative ever to represent the United States at a Review Conference.

(b) The level of United States representation at Review Conferences affects the ability of the United States Government to exert leadership in strengthening the international nonproliferation regime.

S 1486. Mr. REID (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for the National Strategy for a Domestic and International Effort to Combat the Proliferation of Weapons of Mass Destruction of December 2002.

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

(1) On February 11, 2004, President George W. Bush stated that “the greatest threat facing the country is weapons of mass destruction in the hands of a terrorist network.”

(2) Since the development of nuclear weapons, biological, or chemical terrorism requires a layered defense drawing upon a full spectrum of capabilities and tools, beginning with the collection and analysis of information to detect, prevent, and respond to the proliferation of weapons of mass destruction (WMD) or, if prevention fails, to manage the consequences of attacks while preserving fundamental liberties and economic activity.

(3) A National Strategy to Combat Weapons of Mass Destruction was published in December 2002.

(4) Since the development of the National Strategy, United States policies and capabilities for detecting, preventing, and responding to weapons of mass destruction threats have also changed.

(S) Not later than 90 days after the conclusion of a Review Conference or any such preparatory conference or, with respect to the Review Conference held during 2005, not later than the date of enactment of this Act, the President should submit to Congress a plan that outlines the United States objectives for the Review Conference or preparatory conference and a comprehensive strategy for achieving such objectives; and

(7) Not later than 90 days after the conclusion of a Review Conference or any such preparatory conference as to which objectives were achieved and which objectives were not achieved during the Review Conference or preparatory conference.

SEC. 1005. UPDATE OF NATIONAL STRATEGY FOR A DOMESTIC AND INTERNATIONAL EFFORT TO COMBAT THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

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

(1) On February 11, 2004, President George W. Bush stated that “the greatest threat facing humanity today is the possibility of secret and sudden attack with chemical or biological or radiological or nuclear weapons.”

(2) The United States policy, programs, and operations, including the deployment of strategic means for detecting, preventing, and responding to attacks, the threat of terrorist acquisition of mass destruction weapons or the threat of terrorist acquisition and use of weapons of mass destruction, and the statement of the roles, missions, and concepts of operations for each of the organizations and programs responsible for providing such capabilities.

(b) NUCLEAR INSPECTIONS AND SAFEGUARD.—A review of the mechanisms for planning, coordinating, and implementing policy, programs, and operations, including government-wide strategic planning, across all agencies and entities undertaking work to combat the proliferation of weapons of mass destruction and to protect the homeland against weapons of mass destruction attacks, and a statement of plans for improving such mechanisms.

The updated National Strategy shall address specific areas key to a successful national strategy to combat the proliferation of weapons of mass destruction, including but not limited to the following:

(A) NATIONAL COUNTER PROLIFERATION CENTER.—A description of the roles, missions, and concepts of operations for the National Counter Proliferation Center, including a plan and schedule for establishing the Center and developing it to full working capacity.

(B) INTERNATIONAL NONPROLIFERATION REGIME.—A review of how the United States will seek to strengthen the international nonproliferation regimes, including, but not limited to, the Comprehensive Nuclear Test Ban Treaty and associated entities (such as the Nuclear Suppliers Group) in the wake of the 2005 Nuclear Nonproliferation Treaty review conference, the Missile Defense Control Regime, the Biological Weapons Convention, and the Chemical Weapons Convention and associated entities (such as the Australia Group).

(C) SECURITY OF NUCLEAR MATERIALS.—A review of how the United States plans to enhance programs to secure weapons usable nuclear materials and other materials suitable for use in a so-called “dirty bomb” that are located around the world, including but not limited to fulfilling commitments made under the G-8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction.

(D) DETECTION AND CHARACTERIZATION CAPABILITIES.—A review of how the United States plans to improve the array of technologies and devices for the detection of weapons of mass destruction and other threats to the homeland from the proliferation of nuclear materials and radiological materials.

(E) INTERDICTION CAPABILITIES.—An assessment of the ability of the United States and the international community to disrupt in transit illicit equipment, technology, materials, and personnel related to weapons of mass destruction, including:

(i) an assessment of the date, type, number, and impact of interdictions under the Proliferation Security Initiative and any other similar initiatives or programs;

(ii) an assessment of how the capabilities under the Initiative, and any other similar initiatives or programs, can be strengthened to achieve more concrete results; and

(iii) an assessment of the amount of funding needed to support such capabilities.

(F) NUCLEAR INSPECTIONS AND SAFEGUARDS.—A review of how the United States will seek to strengthen the ability of the International Atomic Energy Agency (IAEA) to monitor peaceful nuclear energy programs to the extent that such programs are not used as a cover for nuclear weapons development, including, but not limited to—

(i) how the United States will encourage the adoption and ratification by each non-nuclear weapon state of the Model Additional Protocol with the Agency; and

(ii) the facilitating role the United States will play in the International Atomic Energy Agency’s (IAEA) efforts to develop and implement the Additional Protocol.
(ii) how the Executive Branch will implement the United States Additional Protocol with the Agency in light of its inability, thus far, to reach agreement on implementing measures that would permit United States ratification of the Additional Protocol to which the United States Senate gave its advice and consent to ratification on March 31, 2004.

(G) INTELLIGENCE CAPABILITIES.—A plan for the implementation of intelligence reforms intended to improve intelligence capabilities related to the proliferation of weapons of mass destruction.

(H) NORTH KOREA AND IRAN.—A plan for each of the following:

(1) Efforts to forestall further processing of nuclear weapons material in North Korea and ultimately verifiably eliminating the nuclear weapons program of North Korea.

(2) Preventing Iran from developing nuclear weapons.

(3) Persuading other nations not to pursue or proliferate their nuclear weapons or nuclear weapons technologies.

(4) The update required by paragraph (1) shall be submitted to Congress in unclassified form but may include a classified annex if necessary.

SA 1487. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriation for the federal government for the 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, to provide for other purposes; and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XV—NATIONAL COMMISSION ON THE FUTURE OF THE ALL-VOLUNTEER ARMY

SEC. 1501. FINDINGS.

Congress makes the following findings:

(1) The war in Iraq and military operations in Afghanistan and elsewhere around the world have put the Regular Army, the Army National Guard, and the Army Reserve under extreme stress.

(2) There is a severe mismatch between the size of the force and the missions that it is being asked to perform.

(3) The operational requirements of a sustained protracted conflict, combined with the supply and demand mismatch, are having a negative and corrosive effect on the force, which could worsen over time.

(4) The demands on the force are not likely to diminish in the foreseeable future.

(5) Forty percent of the forces in Iraq are from the National Guard or the Reserve.

(6) The severe stresses on the force are having adverse effects on the retention for all components of the Army.

(7) The regular component of the Army could be thousands of recruits short of its goals by the end of 2005, and the Army National Guard and the Army Reserve could be even further behind their recruiting goals by that time.

(8) Shortfalls in recruiting impose further stress on the force, exacerbate recruiting and retention difficulties, and put pressure on recruiters to use more aggressive tactics and to lower standards.

(9) The stress is also seen in the day-to-day challenges faced by military families confronting multiple and extended tours of duty in combat and abroad.

(10) Surveys of members of the National Guard and the Reserve reveal that the combination of multiple and extended tours with the resulting family burdens is the principle reason for the decision of such members not to continue service in the Army.

(11) Adverse impacts from roles recruiting, retention, military family quality of life, and other issues facing the Army, the Army National Guard, and the Army Reserve is an urgent national security concern.

(12) These are admittedly very complex issues, and a partisan inquiry into who is responsible for “breaking the force” is not the answer.

(13) Given the profound importance of these issues, a bipartisan commission of prominent Americans should study these issues and submit to Congress on an appropriate response to them.

SEC. 1502. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the National Commission on the Future of the All-Volunteer Army (in this title referred to as the “Commission”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of six members who shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(2) INITIAL MEETING.—Not later than 90 days after the date of the enactment of this Act, the Commission shall conduct a thorough study of all matters relating to the future of the all-volunteer Army.

(c) STAFF.—

(1) STUDY.—In conducting the study, the Commission shall consider—

(A) the roles and missions anticipated for the Army during the five-year period beginning in 2008, including the roles and missions of the Army in homeland defense;

(B) the proper size and structure of the Army in order to perform the roles and missions described in subparagraph (A), including the proper allocation of responsibilities for such roles and missions between the regular component of the Army and the reserve components of the Army;

(C) the proper size and structure of the reserve components of the Army to continue to contribute to the performance of such roles and missions;

(D) whether the current utilization of the reserve components of the Army is compatible with such roles and missions; and

(E) the recruitment and retention practices required to provide for an Army of the size and structure needed to perform such roles and missions, including practices related to career paths, quality of life for members and their families, compensation, recruitment and retention incentives, and other benefits.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission determines necessary to carry out this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

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

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

SEC. 1505. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that required as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5315 of title 5, United States Code.
of mass destruction.

grounds for major worldwide terrorist organizations.

resources.

organizations' access to, movement of, and resources.

worldwide terrorist organizations.

interests.

following areas:

shall include the following:

the date of the enactment of this Act, the

 operation and maintenance, Defense-wide ac-

title 5, United States Code, at rates for indi-

ividuals which do not exceed the daily equiva-

lent of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 1506. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 1506(b).

SEC. 1507. FUNDING.

(a) In General.—Of the amounts authorized to be appropriated by section 301(b) for operation and maintenance, Defense-wide activities, $3,000,000 may be available for the activities of the Commission under this title.

(b) Availability.—Amounts available under subsection (a) shall remain available until expended.

SA 1488. 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 to procure personal 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 369, after line 24, insert the following:

SEC. 1411. COMMISSION ON STRATEGY FOR SUCCESS IN THE GLOBAL WAR ON TERRORISM.

(a) Establishment.—There is established a commission to be known as the Commission on a Strategy for Success in the Global War on Terrorism (in this section referred to as the "Commission").

(b) Study and Report.—

(1) Study.—The Commission shall conduct a study on a strategy, tactics, and metrics for assessing performance and measuring success used by the United States in the conduct of the Global War on Terrorism and submitted to the Congress, the findings of such study, as described in paragraph (2).

(2) Report.—Not later than 6 months after the date of the enactment of this Act, the Commission shall submit to the appropriate congressional committees a report on the study required by paragraph (1). Such report shall include the following:

(A) Recommendations for a set of benchmarks by which the United States can assess performance and measure success in the following areas:

(i) Reducing the capability of major world wide terrorist organizations for carrying out attacks against the United States and its interests.

(ii) Disrupting senior leadership of major world wide terrorist organizations.

(iii) Decreasing the ability of major world wide terrorist organizations to recruit new members.

(iv) Disrupting major world wide terrorist organizations’ access to, movement of, and use of financial assets and key non-financial resources.

(v) Eliminating safe havens and training grounds for major world wide terrorist organizations.

(vi) Reducing terrorists from gaining access to nuclear materials and other weapons of mass destruction.

(vii) Enhancing the public image of the United States within the populations from which terrorists have most often originated.

(B) An assessment of performance and progress six months after the Global War on Terrorism according to the benchmarks set forth by the Commission in accordance with subparagraph (A).

(C) An assessment of the individual operations carried out by the United States as part of the Global War on Terrorism, including Operation Iraqi Freedom, on overall progress in the Global War on Terrorism.

(D) An analysis of the annual country reports on terrorism as the Secretary of State tabulates and includes in such reports, including an assessment of the following:

(i) The effectiveness of the process by which the Secretary of State tabulates and categorizes terrorist attacks and events around the world.

(ii) The accuracy of the data reported in the reports.

(iii) The adequacy of safeguards against the influence of political considerations or other corrupting factors on the quality of data included in the reports.

(iv) Any recommendations the Commission may have for expanding, reconfiguring, or otherwise improving the reports.

(e) Number and Appointment.—The Commission shall be composed of 12 members who are appointed not later than one month after the date of the enactment of this Act, as follows:

(A) Two co-chairpersons, of which—

(i) one co-chairperson shall be appointed by a committee consisting of the minority leaders of the Senate and the House of Representatives, and of the chairman of each of the appropriate congressional committees; and

(ii) one co-chairperson shall be appointed by a committee consisting of the minority leaders of the House and Senate, the ranking minority member of each of the appropriate congressional committees.

(B) Five members appointed by the chairmen and ranking minority members of the Committees on Armed Services, the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Homeland Security and Governmental Affairs.

(C) Five members appointed by the chairmen and ranking minority members of the Committees on Armed Services, the Committee on Homeland Security, and the Committee on International Relations of the House of Representatives.

(f) Qualifications.—Individuals appointed to the Commission shall have proven experience or expertise in the field of terrorism, including at the United States military intelligence operations, or other relevant subject matter.

(g) Vacancies.—Any vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made.

(h) Chairpersons.—The members appointed pursuant to paragraph (1)(A) shall serve as co-chairpersons of the Commission.

(i) Prohibition on Pay.—Members of the Commission shall serve without pay.

(j) Travel Expenses.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(k) Quorum.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(l) Meetings.—The Commission shall meet at the call of the chairpersons. The initial meeting of the Commission shall occur not later than two weeks after the date on which members have been appointed. The Commission may select a temporary chairperson until such time as the co-chairpersons have been appointed.

(m) Director and Staff.—

(A) Director.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(B) Staff.—The Commission may appoint personnel to serve as the staff of the Commission.

(C) Procurement of Services.—The Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5 that relate to classification and General Schedule pay rates.

(n) Experts and Consultants.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the General Schedule.

(o) Powers.—

(1) Hearings and Sessions.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(2) Powers of Members and Agents.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(p) Grants and Payments.—The Commission may make grants and payments for the purpose of the study required by this section.

(q) Administrative Support Services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(r) Security Clearances for Commission Members and Staff.—The departments and agencies of the United States shall cooperate with the Commission in expeditiously providing to the Commission members and staff security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

(s) Appropriations for Commission Members and Staff.—The terms "appropriative congressional committees" means the Committee on Armed Services, the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Armed Services, the Committee on Homeland Security and Government Affairs of the House of Representatives, and the Committee on Homeland Security of the House of Representatives.
SA 1489. Ms. COLLINS (for Mr. THUNE) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 2857. POSTPONEMENT OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.


(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 reason of sections 2912, 2913, and 2914 shall occur instead in the year following the year in which the last action described in subsection (b) occurs (in this section referred to as the ‘postponed closure round year’).

"(b) Actions-required to be taken 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 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) the completion of the action described in the report on the 2005 quadrennial defense review; and

(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 90 days 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.

(2) In section 2904(b)—

(A) in the heading, by striking ‘‘CONGRESSIONAL DISAPPROVAL’’ and inserting ‘‘CONGRESSIONAL ACTION’’;

(B) in paragraph (1)—

(i) 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’’;

(ii) in subparagraph (B), by striking ‘‘such report is transmitted’’ and inserting ‘‘such report is required to be transmitted’’;

(C) by redesignating paragraph (2) as paragraph (3);

(D) by inserting after paragraph (1) the following new paragraph:

‘‘(2) The Secretary may not carry out any closure or realignment recommended by the Commission in a report transmitted from the President pursuant to section 2905(e) if a recommendation for such closure or realignment is specified as disapproved by Congress in a joint resolution partially disapproving the recommendations of the Commission that is enacted before the earlier of—

(A) the end of the 45-day period beginning on the date by which the President is required to transmit such report; or

(B) the adjournment of Congress sine die for the session during which such report is required to be transmitted.’’;

and

(E) in paragraph (3), by redesignating subparagraph (A) as paragraph (1), and inserting ‘‘paragraphs (1) and (2)’’.

SA 1490. Ms. COLLINS (for Mr. THUNE) proposed to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

SEC. 912. NATIONAL SPACE RADAR SYSTEM.

The Secretary of the Air Force shall proceed with the development and implementation of a national space radar system that employs at least two frequencies.

SA 1491. Ms. COLLINS (for Mr. THUNE (for himself, Mr. LIEBERMAN, Ms. COLLINS, Mr. LAUTENBERG, Mr. SUNUNU, Ms. SNOWE, Mr. JOHNSON, Mr. DODD, 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; which was ordered to lie on the table; as follows:

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

SEC. 912. NATIONAL SPACE RADAR SYSTEM.

The Secretary of the Air Force shall proceed with the development and implementation of a national space radar system that employs at least two frequencies.

SA 1493. Mr. LEVIN 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:

SEC. 320. ADDITIONAL AMOUNT FOR COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) INCREASED AMOUNT FOR OPERATION AND MAINTENANCE, COOPERATIVE THREAT REDUCTION PROGRAMS.—The amount authorized to be appropriated by section 301(19) for the Cooperative Threat Reduction programs is hereby increased by $50,000,000.

(b) OFFSET.—Of the amount authorized to be appropriated by section 301(19) for research, development, test, and evaluation, Defense-wide activities, is hereby reduced by $50,000,000, with the amount of the reduction to be allocated as follows:

(1) The amount available in Program Element 0603882C for long lead procurement of Ground-Based Interceptors is hereby reduced by $30,000,000.

(2) The amount available for initial construction of associated sites is hereby reduced by $20,000,000.
(b) OPSEC.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide—

(1) Amount available in Program Element 0603882C for long lead procurement of Ground-Based Interceptors 31–40 is hereby reduced by $50,000,000; and

(2) the amount available for initial construction of associated silos is hereby reduced by $13,000,000.

SA 1494. Mr. LEVIN (for himself, Mr. KENNEDY, Mr. ROCKEFELLER, and Mr. REED) 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 Armed Forces, and for other purposes; as follows:

TITLe XV—NATIONAL COMMISSION ON POLICIES AND PRACTICES ON TREATMENT OF DETAINED PERSONS SINCE SEPTEMBER 11, 2001

SEC. 1501. FINDINGS.

Congress makes the following findings:

(1) The vast majority of the members of the Armed Forces have served honorably and upheld the highest standards of professionalism and morality.

(2) While there have been numerous reviews, inspections, and investigations by the Department of Defense and others regarding aspects of the treatment of individuals detained in the course of Operation Enduring Freedom, Operation Iraqi Freedom, or United States activities to counter international terrorism since September 11, 2001, none has provided a comprehensive, objective, and independent investigation of United States policies and practices relating to the treatment of such detainees.

(3) The reports of the various reviews, inspections, and investigations conducted by the Department of Defense and others have left numerous omissions and reached conflicting, conflicting, and at times contradictory, conclusions regarding institutional and personal responsibility for United States policies and practices on the treatment of the detainees described in paragraph (2) that may have led to, or contributed to, the mistreatment of such detainees.

(4) Omissions in the reports produced to date also include omissions relating to—

(A) the authorities of the intelligence community for activities to counter international terrorism since September 11, 2001, including the rendition of detainees to foreign countries, and whether such authorities differed from the authorities of the military for the detention and interrogation of detainees;

(B) the role of intelligence personnel in the detention and interrogation of detainees; and

(D) the role of contract employees in the detention and interrogation of detainees.

SEC. 1502. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on United States Policies and Practices Relating to the Treatment of Detainees Since September 11, 2001 (in this title referred to as the “Commission”).

SEC. 1503. COMPOSITION OF THE COMMISSION.

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

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

(2) 1 member shall be appointed by the senior member of the leadership of the Senate of the Democratic Party, who shall serve as vice chairman of the Commission;

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

(4) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

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

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

(b) QUALIFICATIONS; INITIAL MEETING.—

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

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

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions, service, the Armed Forces, intelligence gathering or analysis, law, public administration, law enforcement, and foreign affairs.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(c) MEETINGS; VACANCIES.

(1) INITIAL MEETING.—The Commission shall meet and begin the operations as soon as practicable after all members have been appointed under subsection (b).

(2) MEETINGS.—After its initial meeting under paragraph (1), the Commission shall meet upon the call of the chairman or a majority of its members.

(3) QUORUM.—Six members of the Commission shall constitute a quorum.

(4) VACANCY IN THE COMMISSION.—The President shall fill any vacancy in the Commission as soon as practicable after it is notified of the vacancy.

(5) COMMISSION REPORT.—The Commission shall submit to the President and Congress annual reports on its activities, findings, conclusions, and recommendations.

(6) REPORTS TO THE PRESIDENT.—The Commission shall transmit copies of its reports to the President after its initial meeting and will transmit copies of its periodic reports to the President when called upon to do so by the President.

SEC. 1504. POWERS OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) HEARINGS AND EVIDENCE.—The Commission shall have power to hear testimony and receive evidence of such kinds and in such form as the Commission may determine, including proposing any appropriate modifications in legislation, organization, coordination, planning, management, rules, and regulations; and

(b) UTILIZATION OF OTHER MATERIALS.—The Commission may use all available materials, including any modifications to existing treaties, laws, policies, or regulations, as appropriate.

SEC. 1505. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that ascertains relevant facts and circumstances relating to—

(A) laws, policies, practices, and orders of the United States relating to the treatment of detainees since September 11, 2001, including any relevant treaties, statutes, Executive orders, regulations, plans, policies, practices, or procedures;

(B) activities of any department, agency, or other entity of the United States Government relating to Operation Enduring Freedom, Operation Iraqi Freedom, and efforts to counter international terrorism since September 11, 2001;

(C) the role of private contract employees in the treatment of detainees;

(D) the role of the legal and medical personnel in the treatment of detainees, including any medical personnel responsible for planning for long-term detention, or procedures for prosecution by civilian courts or military tribunals or commission, of detainees in the custody of any department, agency, or other entity of the United States Government or who have been rendered to any foreign government or entity; and

(2) investigate and submit a report to the President and Congress on the Commission’s findings, conclusions, and recommendations, including any modifications to existing treaties, laws, policies, or regulations, as appropriate.

(3) secure for itself such printing and binding of its reports and other publications as it may require.

(4) submit to the President and Congress such reports as are required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing any appropriate modifications in legislation, organization, coordination, planning, management, rules, and regulations; and

(5) submit to Congress a report on the status of the Commission’s activities, findings, conclusions, and recommendations.

SEC. 1506. POWERS OF COMMISSION.

(a) IN GENERAL.—The Commission shall have power to—

(1) determine such procedures as it may deem necessary to secure the testimony, reports, and other evidence the Commission may require in the performance of its duties; and

(b) require deposits of such sums as may be necessary for the expenses of the Commission.

(c) issue subpoenas for the attendance of witnesses and the production of books, papers, documents, and tangible things relevant to matters under investigation.

(d) receive from any department, agency, or regulatory body of the United States, or from foreign entities, information in the possession of such department, agency, or regulatory body that is relevant to matters under investigation.

SEC. 1507. INVESTIGATION AND REPORTS.

The Commission shall—

(1) determine appropriate modifications in legislation, organization, coordination, planning, management, rules, and regulations, as appropriate;
(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths; and
(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, documents, and information as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—
(A) ISSUE.—
(i) IN GENERAL.—A subpoena may be issued under this subsection—
(I) by the agreement of the chairman and the vice chairman; or
(II) by the affirmative vote of 6 members of the Commission.
(ii) Signature.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.
(B) ENFORCEMENT.—
(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A) or failure to obey a subpoena issued under this subparagraph, the court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may, in its own motion or upon application by the United States attorney, and in either case without a prior hearing, issue an order compelling such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.
(ii) ADDITIONAL ENFORCEMENT.—In the case of any person who is unwilling to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of that fact and of the reasons for the certification to the United States attorney for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under section 2105 of title 5, United States Code.

(3) ACCESS TO INFORMATION AND MATERIALS.—No department, agency, element, bureau, board, commission, independent establishment, or other instrumentality of the United States may withhold information or materials, including classified materials, from the Commission on the grounds that providing the information or materials would constitute the unauthorized disclosure of classified information, pre-decisional materials, or information relating to intelligence sources and methods.

(4) ASSISTANCE FROM PARTICULAR FEDERAL AGENCIES.—
(A) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.
(B) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments, agencies, and other elements of the United States Government may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be required by law.
(C) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States Government.

SEC. 1507. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission shall be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.
(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner and under the same conditions as federal employees.

SEC. 1508. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

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

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC INFORMATION.

(1) IN GENERAL.—The Commission shall—
(A) hold public hearings and meetings to the extent appropriate; and
(B) release public versions of the reports required under section 1511.

(c) REPORTS TO CONGRESS CONCERNING ITS REPORTS, DISTRIBUTION.

(1) IN GENERAL.—The Commission shall submit to the President and Congress interim reports containing such findings, conclusions and recommendations as have been agreed to by a majority of Commission members.
(2) FINAL REPORT.—Not later than 12 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

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

SEC. 1509. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

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

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC INFORMATION.

(1) IN GENERAL.—The Commission shall—
(A) hold public hearings and meetings to the extent appropriate; and
(B) release public versions of the reports required under section 1511.

(c) REPORTS TO CONGRESS CONCERNING ITS REPORTS, DISTRIBUTION.

(1) IN GENERAL.—The Commission shall submit to the President and Congress interim reports containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.
(2) FINAL REPORT.—Not later than 12 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

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

SEC. 1510. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.

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

(b) PUBLIC MEETINGS AND RELEASE OF PUBLIC INFORMATION.

(1) IN GENERAL.—The Commission shall—
(A) hold public hearings and meetings to the extent appropriate; and
(B) release public versions of the reports required under section 1511.

(c) REPORTS TO CONGRESS CONCERNING ITS REPORTS, DISTRIBUTION.

(1) IN GENERAL.—The Commission shall submit to the President and Congress interim reports containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.
(2) FINAL REPORT.—Not later than 12 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

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

SEC. 1511. REPORTS OF COMMISSION, TERMINATION.

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

(b) FINAL REPORT.—Not later than 12 months after the date of the enactment of this Act, the Commission shall submit to the President and Congress a final report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

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

SEC. 1512. APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to
the Commission to carry out this section $2,500,000.

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

### SA 1495. Mr. LEVIN 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

SEC. 1205. LIMITATION ON AVAILABILITY OF FUNDS FOR NORMALIZATION OF RELATIONS WITH GOVERNMENT OF LIBYA.

None of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for purposes of negotiation toward normalizing relations with the Government of Libya until the Attorney General, in consultation with the Secretary of State and the Secretary of Defense, certifies to Congress that the Government of Libya has made a good faith offer in the negotiations on the claims of members of the Armed Forces of the United States who were injured in the bombing of the La Belle Discotheque in Berlin, Germany, and the claims of family members of members of the Armed Forces of the United States who were killed in that bombing.

### SA 1496. Mr. LEVIN 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:

At the end of title XII, add the following:

SEC. 1206. LIMITATION ON AVAILABILITY OF FUNDS FOR NORMALIZATION OF RELATIONS WITH GOVERNMENT OF LIBYA.

None of the funds authorized to be appropriated by this Act or any other Act may be obligated or expended for purposes of negotiation toward normalizing relations with the Government of Libya until the Attorney General, in consultation with the Secretary of State and the Secretary of Defense, certifies to Congress that the Government of Libya has made a good faith offer in the negotiations on the claims of members of the Armed Forces of the United States who were injured in the bombing of the La Belle Discotheque in Berlin, Germany, and the claims of family members of members of the Armed Forces of the United States who were killed in that bombing.

### SA 1497. Mr. LEVIN 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:

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

SEC. 807. LIMITATION ON EXCESS CHARGES UNDER TIME-AND-MATERIALS AND LABOR-HOUR CONTRACTS.

(a) REGULATIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations governing the terms and conditions under which the Department of Defense shall enter into contracts and labor-hour contracts entered into for or on behalf of the Department of Defense:

(b) LIMITATION ON EXCESS CHARGES.—

1. In general.—The regulations prescribed pursuant to subsection (a) shall authorize the use of a time-and-materials contract or labor-hour contract for or on behalf of the Department of Defense only if the contract provides for acquiring supplies or services on the basis of:

   A. Direct labor hours provided by the prime contractor at specified fixed hourly rates that include wages, overhead, general and administrative expenses, and profit; and

   B. The reimbursement of the prime contractor for the reasonable costs (including overhead, general and administrative expenses, and profit, to the extent permitted under the regulations for supplies and subcontracts for services, except as provided in paragraph (2)).

2. Subcontractor labor hours.—Direct labor hours provided by a subcontractor may be provided on the basis of specified fixed hourly rates that include wages, overhead, general and administrative expenses, and profit only if such hourly rates are set forth in the contract for that specific subcontractor.

3. Department of Defense Purchases Through Contracts Entered into Non-Defense Agencies.—The regulations prescribed pursuant to subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply to:

   1. All contracts awarded for or on behalf of the Department of Defense on or after such date; and

   2. All task or delivery orders issued for or on behalf of the Department of Defense on or after such date, regardless whether the contracts under which such task or delivery orders are issued were awarded before, or after such date.

### SA 1498. Mr. LEAHY 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:

Sec. 807. Limitation on excess charges under time-and-materials and labor-hour contracts.

(a) Regulations required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations governing the terms and conditions under which the Department of Defense shall enter into contracts and labor-hour contracts entered into for or on behalf of the Department of Defense:

(b) Limitation on excess charges.—

1. In general.—The regulations prescribed pursuant to subsection (a) shall authorize the use of a time-and-materials contract or labor-hour contract for or on behalf of the Department of Defense only if the contract provides for acquiring supplies or services on the basis of:

   A. Direct labor hours provided by the prime contractor at specified fixed hourly rates that include wages, overhead, general and administrative expenses, and profit; and

   B. The reimbursement of the prime contractor for the reasonable costs (including overhead, general and administrative expenses, and profit, to the extent permitted under the regulations for supplies and subcontracts for services, except as provided in paragraph (2)).

2. Subcontractor labor hours.—Direct labor hours provided by a subcontractor may be provided on the basis of specified fixed hourly rates that include wages, overhead, general and administrative expenses, and profit only if such hourly rates are set forth in the contract for that specific subcontractor.

3. Department of Defense Purchases Through Contracts Entered into Non-Defense Agencies.—The regulations prescribed pursuant to subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply to:

   1. All contracts awarded for or on behalf of the Department of Defense on or after such date; and

   2. All task or delivery orders issued for or on behalf of the Department of Defense on or after such date, regardless whether the contracts under which such task or delivery orders are issued were awarded before, or after such date.

### SA 1499. Mr. KERRY 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:

(3) REPORT.—

(A) In general.—The Secretary of Defense shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives on an annual basis a report setting forth the research programs identified under paragraph (1) during the preceding year.

(B) CONTENTS.—Each report under subparagraph (A) shall include, for the year covered by such report, a description of:

   (i) The incentives and actions taken by prime contractors and program managers to increase Phase III awards under the Small Business Innovation Research Program; and

   (ii) The requirements intended to be met by each program identified in the report.

### (4) PILOT PROGRAM.—

(A) In general.—The Secretary of each military department is authorized to use not more than an amount equal to 1 percent of the funds available to the military department for the Small Business Innovation Research Program and the Small Business Technology Transfer Program for a pilot program to transition programs that have successfully completed Phase II of the Small Business Innovation Research Program to Phase III of the Program.

(B) Requirements.—A pilot program under subparagraph (A) shall terminate not later than 3 years after the date on which the pilot program is initiated.

### SA 1500. Mr. KERRY 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. RADIO FREQUENCY IDENTIFIER TECHNOLOGY.

(a) Small Business Strategy.—As part of implementing its requirement that contractors use radio frequency identifier technology, the Secretary of Defense shall develop and implement—

   (1) Best practice standards regarding the use of that technology to ensure that the Department of Defense meets its contracting...
goals for the utilization of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), in Department of Defense contracts; and

(2) establish and implement plans for the improvement of standards, and opportunities.

(1) INITIAL REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Armed Services of the House of Representatives detailing the status of the efforts by the Secretary of Defense to establish requirements for radio frequency identifier technology used in Department of Defense contracting, including—

(A) standardization of the data required to be reported by such technology; and

(B) standardization of the manufacturing quality required for such technology.

(2) ANNUAL REPORT.—Not later than 1 year after the date of submission of the report required under paragraph (1) and annually thereafter, the Secretary of Defense shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing—

(A) the information described in paragraph (1); and

(B) the status of the efforts of the Secretary of Defense to develop and implement the best practice standards required by subparagraph (A) of this subsection.

(C) the status of the efforts of the Secretary of Defense to develop and implement a strategy to educate the small business community, as required by subsection (a)(2).

SA 1501. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. 3. CREDIT FOR INCOME DIFFERENTIAL FOR EMPLOYMENT OF ACTIVATED MILITARY RESERVIST AND REPLACEMENT PERSONNEL.

(a) IN GENERAL.—Subpart B of part IV of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end the following:

"SEC. 308. EMPLOYER WAGE CREDIT FOR ACTIVATED MILITARY RESERVISTS.

"(a) GENERAL RULE.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(i) in the case of an eligible small business employer, the employment credit with respect to all qualified employees and qualified replacement employees of the taxpayer—

\[ \# \text{ of qualified replacement employees} \times \text{qualified replacement employee credit} \]

"(2) a strategy to educate the small business community regarding radio frequency identifier technology used in Department of Defense contracting, including—

(A) standardization of the data required to be reported by such technology; and

(B) standardization of the manufacturing quality required for such technology.

(2) ANNUAL REPORT.—Not later than 1 year after the date of submission of the report required under paragraph (1) and annually thereafter, the Secretary of Defense shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the status of the efforts by the Secretary of Defense to establish requirements for radio frequency identifier technology used in Department of Defense contracting, including—

(A) standardization of the data required to be reported by such technology; and

(B) standardization of the manufacturing quality required for such technology.

(2) ANNUAL REPORT.—Not later than 1 year after the date of submission of the report required under paragraph (1) and annually thereafter, the Secretary of Defense shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the status of the efforts by the Secretary of Defense to establish requirements for radio frequency identifier technology used in Department of Defense contracting, including—

(A) standardization of the data required to be reported by such technology; and

(B) standardization of the manufacturing quality required for such technology.

(2) ANNUAL REPORT.—Not later than 1 year after the date of submission of the report required under paragraph (1) and annually thereafter, the Secretary of Defense shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the status of the efforts by the Secretary of Defense to establish requirements for radio frequency identifier technology used in Department of Defense contracting, including—

(A) standardization of the data required to be reported by such technology; and

(B) standardization of the manufacturing quality required for such technology.

(2) ANNUAL REPORT.—Not later than 1 year after the date of submission of the report required under paragraph (1) and annually thereafter, the Secretary of Defense shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the status of the efforts by the Secretary of Defense to establish requirements for radio frequency identifier technology used in Department of Defense contracting, including—

(A) standardization of the data required to be reported by such technology; and

(B) standardization of the manufacturing quality required for such technology.

(2) ANNUAL REPORT.—Not later than 1 year after the date of submission of the report required under paragraph (1) and annually thereafter, the Secretary of Defense shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the status of the efforts by the Secretary of Defense to establish requirements for radio frequency identifier technology used in Department of Defense contracting, including—

(A) standardization of the data required to be reported by such technology; and

(B) standardization of the manufacturing quality required for such technology.
such year (within the meaning of section 162(l)).

(4) QUALIFIED SELF-EMPLOYED TAXPAYER.—The term ‘qualified self-employed taxpayer’ means a taxpayer—

(A) has net earnings from self-employment (as defined in section 1402(a) for the taxable year, and

(B) is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

(5) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under sections 51(a) and 1396(a) with respect to any employee shall be reduced by the credits allowed by this section with respect to such employee.

(6) LIMITATIONS.—

(1) DISALLOWANCE UNDER OTHER CREDITS.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess (if any) of—

(A) the regular tax for the taxable year reduced by the sum of the credits allowable under subsection (a) for any taxable year reduced by the sum of the credits allowable under subsection (a) for any taxable year, and

(B) the tentative minimum tax for the taxable year.

(2) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

(A) a taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a Circuit Court of the United States under section 3223 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

(B) the excess amount of the tentative minimum tax for the taxable year.

(3) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR TRAINING.—No credit shall be allowed under subsection (a) to a taxpayer for—

(A) a taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a District Court of the United States under section 3233 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

(B) the excess amount of the tentative minimum tax for the taxable year.

(4) DISALLOWANCE WITH RESPECT TO PERSONS ORDERED TO ACTIVE DUTY FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

(A) a taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a Circuit Court of the United States under section 3223 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

(B) the excess amount of the tentative minimum tax for the taxable year.

(5) GENERAL DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) SUBPART A OF BUSINESS EMPLOYER.—

(A) IN GENERAL.—The term ‘eligible small business employer’ means, with respect to any taxable year, any employer which—

(i) employed an average of 100 or fewer employees on business days during such taxable year; and

(ii) under a written plan of the employer, provided the amount described in subsection (b)(1)(A) to every qualified employee of the employer.

(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

(2) MILITARY PAY AND ALLOWANCES.—The term ‘military pay’ means pay as that term is defined in section 101(21) of title 10, United States Code, and the term ‘allowances’ means allowances payable to a member of the Armed Forces of the United States under chapter 7 of that title.

(3) QUALIFIED RESERVE COMPONENT DUTY.—The term ‘qualified reserve component duty’ includes only active duty performed, as designated in the reservist’s military orders, in support of a contingency operation as defined in section 101(a)(13) of title 10, United States Code.

(4) CARRYBACK AND CARRYFORWARD ALLOWANCE.—

(A) IN GENERAL.—If the credit allowable under subsection (a) for a taxable year exceeds the amount of the limitation under section 30(jj)(1) for such taxable year (in this paragraph referred to as the ‘unused credit year’), such excess shall be a credit carryback to the taxable year preceding the unused credit year and a credit carryforward to each of the 20 taxable years following the unused credit year.

(B) RULES.—Rules similar to the rules of section 30(jj)(2) shall apply with respect to the credit carryback and credit carryforward under subparagraph (A).

(5) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (c), (d), and (e) of section 32 shall apply.

(6) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDITS.—Section 290C(a) of the Internal Revenue Code of 1986 is amended by inserting ‘‘30B(e)(1),’’ after ‘‘30B(e)(3),’’.

(7) CERICA AMENDMENT.—The table of sections for part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end of title 30A the following new item:

‘‘Sec. 30B. Employer wage credit for active reserve reservists.’’

(8) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid in taxable years beginning after December 31, 2004.

SEC. 1502. Mr. KERRY 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 and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 4. REPORT ON EDUCATIONAL BENEFITS FOR VETERANS.

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

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

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

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

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

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

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

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

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

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

(A) the percentage who use partial benefits; and

(B) the percentage who use full benefits; and

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

(3) suggestions of ways to improve educational benefits in order to improve recruiting, retention and readjustment;

(4) cost estimates for the improvements suggested under paragraph (3);

(5) projected 5-year and 10-year costs of educational benefits under chapters 1066 and 1607 of title 10, United States Code, and section 3015 of title 38, United States Code; and

(6) projected 5-year and 10-year costs under chapters 1606 and 1607 of title 10, United States Code, and section 3015 of title 38, United States Code; and

(B) the baseline 3-year active duty rate is increased to cover the average price of—

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

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

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

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

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

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

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

SEC. 1504. Mr. KERRY submitted an amendment intended to be proposed by

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SEC. 213. PROJECT SHERIFF.

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, the amount available for the Transformation Initiatives Program is hereby reduced by $10,000,000, with the amount of the increase to be available for Project Sheriff.

(b) OSCAR.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities the amount available for the Transformation Initiatives Program is hereby reduced by $10,000,000.

SA 1505. Mr. GRAHAM (for himself, Mr. WANNEN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 107A. AUTHORITY TO UTILIZE COMBATANT STATUS REVIEW TRIBUNALS AND ANNUAL REVIEW BOARD TO DETERMINE STATUS OF DETAINEES AT GUANTANAMO BAY, CUBA.

(a) AUTHORITY.—The President is authorized to utilize the Combatant Status Review Tribunal and the Annual Review Board, and the procedures thereof as specified in subsection (b), currently in operation at Guantanamo Bay, Cuba, in order to determine the status of detainees held at Guantanamo Bay, including whether any such detainee is a lawful enemy combatant or an unlawful enemy combatant.

(b) PROCEDURES.—(1) IN GENERAL.—Except as provided in paragraph (2), the procedures specified in this subsection are as follows:

(A) For the Combatant Status Review Tribunal, the memorandum of the Secretary of the Navy dated September 23, 2004, regarding the implementation of the Combatant Status Review Tribunal, procedures for Enemy Combatants detained at Guantanamo Bay Naval Base, Cuba.


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

(A) To the extent practicable, the Combatant Status Review Tribunal shall determine, by a preponderance of the evidence, whether statement of intention to be held in foreign custody were obtained without due process of law.

(B) A detainee shall be provided a military judge advocate for purposes of the Annual Review Board.

(C) The Designated Civilian Official shall be an officer of the United States under-

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

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

(c) DEFINITIONS.—In this section:

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

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

SA 1506. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 3114. ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE.

(a) DEFINITIONS.—In this section:

(1) ESSENTIAL MINERAL RIGHT.—The term "essential mineral right" means a right to use the land and water at Rocky Flats, as depicted on the map.

(2) FAIR MARKET VALUE.—The term "fair market value" means the value of an essential mineral right as determined by an independent, certified mineral appraiser under the Uniform Standards of Professional Appraisal Practice.

(3) MAP.—The term "map" means the map entitled "Rocky Flats National Wildlife Refuge" and available for inspection in appropriate offices of the United States Fish and Wildlife Service and the Department of Energy.

(b) USE OF FUNDS.—(1) NATURAL RESOURCE DAMAGE LIABILITY CLAIM.—The term "natural resource damage liability claim" means a natural resource damage liability claim under subsections (a)(4) and (f) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(c)(1)), including—

(ii) the purchase of additional mineral rights at Rocky Flats; and

(ii) the development of habitat restoration projects at Rocky Flats.

(B) ADDITIONAL FUNDS.—The Trustees may use the funds received under paragraph (4) in conjunction with other private and public funds.

(6) EXEMPTION FROM NATIONAL ENVIRONMENTAL POLICY ACT.—Any purchases of mineral rights under this subsection shall be exempt from the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(7) ROCKY FLATS NATIONAL WILDLIFE REFUGE.—(A) TRANSFER OF MANAGEMENT RESPONSIBILITIES.—The Rocky Flats National Wildlife Refuge Act of 2001 (16 U.S.C. 668dd note; Public Law 107-107) is amended—

(i) in section 3175—

(ii) by striking subsections (b) and (f); and

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

(2) SA 1507. Mr. MCCAIN, Mr. ALLARD, and Mr. WANNEN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

SEC. 3175. ROCKY FLATS NATIONAL WILDLIFE REFUGE.

(A) TRANSFER OF MANAGEMENT RESPONSIBILITIES.—The Rocky Flats National Wildlife Refuge Act of 2001 (16 U.S.C. 668dd note; Public Law 107-107) is amended—

(i) in section 3175—

(ii) by striking subsections (b) and (f); and

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

(B) BOUNDARIES.—Section 3177 of the Rocky Flats National Wildlife Refuge Act of 1980 is amended—

(i) by striking subsections (b) and (f); and

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

(ii) by inserting "section 107(c)" after "subsection (b)".
SA 1507.

Mr. SANTORUM 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. 1073. LIABILITY PROTECTION FOR DONATING FIRE CONTROL OR FIRE RESCUE EQUIPMENT.

(a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person’s act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(c) SUSPENSION AUTHORIZED.—The Secretary of the Department of Defense may, in consultation with the Director of the Defense Logistics Agency, suspend disposal of tungsten ores and concentrates under subsection (a) if the Secretary determines that disposal of such ores and concentrates would have an adverse impact on United States entities that mine or process tungsten.

SA 1510. 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 critical technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

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

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

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

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

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

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

SEC. 138. SENSE OF SENATE ON F/A-22 RA PTOR AIRCRAFT.

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

(1) It is widely held that integrated air defense systems, composed of next generation surface-to-air missiles and fifth generation fighters, will be the primary threat to United States and other NATO assets, and the ability of the Nation to access strategically important regions during future conflicts.

(2) Many of the current tactical aircraft of the United States first flew more than 30 years ago and several nations have deployed integrated air defense systems designed to counter those aircraft. These aircraft include the F-15 Eagle, F-16 Fighting Falcon, and F/A-18 Hornet, none of which are stealth aircraft.

(3) The F/A-22 Raptor aircraft is a highly-capable stealth aircraft designed to neutralize both surface-to-air missiles and fifth generation fighters.

(4) The F/A-22 Raptor aircraft is a truly transformational aircraft incorporating—

(A) super-cruise engines that allow for extended supersonic flight (a magnitude longer than after-burner predecessors);

(B) unmatched stealth capabilities; and

(C) a radar and avionics system that will permit the identification of ground targets and enemy enemy aircraft at great ranges.

(5) The F-35 Joint Strike Fighter is being designed as a complement to the F/A-22 Raptor aircraft, but the F-35 Joint Strike Fighter is more stealthy than the F/A-22 Raptor aircraft, nor will it be able, due to design constraints, to utilize super-cruise engines.

(6) The F/A-22 Raptor aircraft is the most maneuverable fighter flying today, a matter of particular importance when encountering newer Russian-made aircraft that have been sold widely throughout the world and boast a highly impressive maneuver capability.

(7) The F/A-22 Raptor aircraft is a capable bomber, with a large weapons bay having the capability to carry two 7,000 pound Global Positioning System-guided Joint Direct Attack Munitions or several Small Diameter Bombs.

(b) National Defense Strategy calls for a force guarantor—

(1) defends the homeland;

(2) is capable of forward deterrence in four regions;

(3) can swiftly defeat adversaries in two overlapping conflicts; and

(4) can decisively defeat an enemy in one of those conflicts.

(c) The Air Force has repeatedly warned that, in order to meet the requirements of the National Defense Strategy, the service requires far more than the 180 F/A-22 Raptor aircraft currently planned for procurement by the Department of Defense.

(d) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of Defense should review the decision articulated in Program Budget Decision 753 to ensure that sufficient numbers of F/A-22 Raptor aircraft are procured to meet the applicable requirements in the National Defense Strategy.

SA 1511. Mr. BROWNBACK 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. PROHIBITION ON PROCUREMENTS FROM COMMUNIST CHINESE MILITARY COMPANIES.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§2410p. Prohibition on procurements of goods and services from Communist Chinese military companies.

"(a) Prohibition.—The Secretary of Defense may not procure goods or services, through a contract or any subcontract (at any tier) under a contract, from any Communist Chinese military company.

(b) Definition.—In this section, the term "Communist Chinese military company" has the meaning given that term in section 1237(b)(4) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1701 note)."

(b) Clerical Amendment.—The table of sections at the beginning of this chapter is amended by inserting at the end, relating to section 2410p, the following new item:

"2410p. Prohibition on procurements of goods and services from Communist Chinese military companies."،

SA 1512. Mr. SARBANES 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 357, strike line 20, and insert the following:

SEC. 1073. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.

Section 5 of the Act of May 27, 1955 (69 Stat. 67; 42 U.S.C. 1866d) is amended—

(1) by inserting '"(a)" after 'Sec. 5.'; and

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

"(b) Notwithstanding subsection (a), all sums received by any Department of Defense activity for fire protection rendered pursuant to this Act shall be credited to the appropriation, fund, or account from which the expenditure was made; such credit shall be merged with the funds in such appropriation, fund, or account, and shall be available for the same purposes, subject to the same limitations, as the funds with which the credited amounts are merged.

SA 1513. Mr. BYRD (for himself, Mr. BIDEN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mrs. CLINTON, Mr. OBAMA, and Mr. SCHUMER) 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. 2851. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Navy may convey to the County of San Diego, California (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, used in accordance with the purpose of the conveyance under subsection (a), the County shall have the right of immediate entry onto the United States in and to a parcel of real property, under this subsection.

(b) REVERSIONARY INTEREST.—With respect to any new facilities the construction of which is financed under this subsection, the consideration provided by the County to the United States shall have the right of immediate entry onto the property.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States consideration with a total value that is not less than the fair market value of the conveyed real property, as determined by the Secretary. The consideration provided by the County shall be in a form and quantity that is acceptable to the Secretary.

(c) RELATION TO OTHER LAWS.—The requirements under sections 2662 and 2682 of title 10, United States Code, shall not apply with respect to any new facilities the construction of which is accepted as in-kind consideration under this subsection.

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made
SA 1516. Mr. HATCH (for himself, Mr. INHOFE, Mr. BENNETT, and Mr. CHAMBLISS) proposed an amendment to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

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

(a) FINDINGS.—The Senate finds that—

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

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the service has made great progress in modernizing all 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 the 6 years, beginning in fiscal year 2004, for recapitalization, investment, including the procurement of technologically advanced facilities and equipment, of our Nation's 3 Air Force Depots; and

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

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

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

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

SA 1517. 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 C of title III, add the following:

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

(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), $100,000,000 may be used as follows:

(1) $20,000,000 for family assistance centers that primarily serve members of the Armed Forces and their families.

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

(a) ENFORCEMENT.—

(1) 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—ENFORCEMENT"

"SEC. 801. 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 purposes of this Act, the Commission shall have such procedural, investigatory, 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 provisions of the Federal Trade Commission Act were part of this Act.

(3) Any person or entity committing a violation of this Act shall be liable, in addition to any other liability under this Act, for a civil penalty in the amount of $5,000 to $50,000, as determined appropriate by the court for each violation.

(b) ADMINISTRATIVE 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) supervised by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), insured and uninsured 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 or bank 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 Savings and Loan Supervision 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 savings 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 the failure occurred, in the case of a person providing insurance; and

(5) the Federal Trade Commission, for any other matter 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.

(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—

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

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

(B) such amount of punitive damages as the court may allow;

(C) such amount of consequential damages as the court may allow;

(D) 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

(E) 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.

(3) 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.

(4) Section 306(e) of that Act (50 U.S.C. App. 536(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—

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

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

(B) such amount of punitive damages as the court may allow;

(C) such amount of consequential damages as the court may allow;

(D) 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

(E) 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.

(5) Section 306(e) of that Act (50 U.S.C. App. 536(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—

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

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

(B) such amount of punitive damages as the court may allow;

(C) such amount of consequential damages as the court may allow;

(D) 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

(E) 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.

(3) 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.

(4) Section 306(e) of that Act (50 U.S.C. App. 536(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—

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

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

(B) such amount of punitive damages as the court may allow;

(C) such amount of consequential damages as the court may allow;

(D) 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

(E) 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.

(5) Section 306(e) of that Act (50 U.S.C. App. 536(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—

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

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

(B) such amount of punitive damages as the court may allow;

(C) such amount of consequential damages as the court may allow;

(D) 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

(E) 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.

(5) Section 306(e) of that Act (50 U.S.C. App. 536(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—

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

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

(B) such amount of punitive damages as the court may allow;

(C) such amount of consequential damages as the court may allow;

(D) 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

(E) 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.

(5) Section 306(e) of that Act (50 U.S.C. App. 536(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—

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

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

(B) such amount of punitive damages as the court may allow;

(C) such amount of consequential damages as the court may allow;

(D) 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

(E) 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.
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.".

SA 1518. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriation for fiscal year 2005 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 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. SERVICE MEMBERS RIGHTS UNDER THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968.

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

(1) in subclause (II), by striking "; and"; and

(2) by adding at the end the following:

"(IV) notify the homeowner by a statement or notice, written in plain English by the Secretary of Housing and Urban Development, in consultation with the Secretary of Defense and the Secretary of the Treasury, explaining the mortgage and foreclosure rights of servicemembers, and the dependent[s] of such servicemembers, under the Servicemembers Civil Relief Act (50 U.S.C. App.); and

(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)(i)(IV) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(i)).

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

SA 1519. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1042, to authorize appropriation for fiscal year 2005 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 for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1503. DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH SERVICES.

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

(b) COMPOSITION.—

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

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

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

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

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

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

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

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

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

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

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

(II) a national veterans service organization.

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

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

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

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

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

(d) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the task force who is a member of the Armed Forces on active duty for mental health conditions through the Department of Defense to care for such conditions through the Department of veterans Affairs after such members are discharged or released from military, naval, or air service.

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

(e) REPORT.—

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

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

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

(C) results of consultations with other departments or agencies of the Federal Government, officers or employees of State and governments, or individuals from the private sector.

(d) ADMINISTRATIVE SUPPORT.—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of its duties.
SA 1520. Mr. OBAMA submitted an amendment intended to be proposed by him, Mr. WYDEN, and Mr. LEVIN, 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. ASSESSMENT OF PRODUCTION OF ALTERNATIVE TRANSPORTATION FUELS FOR THE DEPARTMENT OF DEFENSE.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a program to evaluate the commercial and technical viability of advanced technologies for the production of alternative transportation fuels having applications for the Department of Defense.

(b) ALTERNATIVE TRANSPORTATION FUELS.—For purposes of this section, alternative transportation fuels are ethanol and Fischer Tropsch fuels that are produced domestically from cellulosic biomass feedstocks or Illinois Basin Coal.

(c) COORDINATION OF EFFORTS.—

(1) IN GENERAL.—The Secretary of Defense shall carry out the program required by this section through the Under Secretary of Defense for Acquisition, Technology, and Logistics and in consultation with the Director of Defense Research and Engineering, the Advanced Systems and Concepts Office, the Secretary of Agriculture, and the Secretary of Energy.


(d) FACILITIES FOR EVALUATING PRODUCTION OF ALTERNATIVE TRANSPORTATION FUELS.—

(1) IN GENERAL.—In carrying out the program required by this section, the Secretary of Defense shall provide for the construction and operation of testing facilities in accordance with this subsection.

(2) ALTERNATIVE TRANSPORTATION FUELS.—The facilities constructed under paragraph (1) shall have the flexibility for producing commercial volumes of alternative transportation fuels such that when the facility demonstrates economic viability of the process it can provide commercial production for the region in which it is located.

(e) EVALUATIONS AT FACILITIES.—

(1) IN GENERAL.—Not later than five years after the date of the enactment of this Act, the Secretary of Defense shall begin at the facilities described in paragraph (1)(B) evaluations of the technical and commercial viability of different processes of producing alternative transportation fuels having Department of Defense applications from cellulosic biomass or Illinois Basin Coal.

(2) AVAILABILITY.—Amounts available under paragraph (1)(B) for the purposes of Illinois Basin Coal shall be provided only upon the Secretary’s determination that such fuels have applications for the Department of Defense.

(f) REPORT ON PROGRAM.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the implementation and results of the program required by this section to—

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

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

SA 951. Mr. COLEMAN (for himself and Mr. LATHAM) submitted an amendment intended to be proposed by him, Mr. WYDEN, and Mr. LEVIN, 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 226, after line 23, add the following:

SEC. 824. CENTRAL CONTRACTOR REGISTRY DATABASE.

(a) AUTHORITY.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2302d the following new section:

"2302e. Central contractor registry

"(a) ESTABLISHMENT.—The Secretary of Defense shall maintain a centralized, electronic database for the registration of sources of property and services who seek to participate in contracts and other procurements entered into by the various procurement officials of the United States. The database shall be known as the 'Central Contractor Registry'.

"(b) TAXPAYER INFORMATION.—(1) The Central Contractor Registry shall include the following tax-related information for each source registered in that registry:

"(A) Each of that source’s taxpayer identification numbers; and

"(B) The source’s authorization for the Secretary of Defense to obtain from the Commissioner of Internal Revenue—

"(i) a certification of the validity of each of that source’s taxpayer identification numbers; and

"(ii) in the case of any of such source’s registered taxpayer identification numbers that is determined invalid, the correct taxpayer identification number (if any).

"(2)(A) The Secretary of Defense shall require each source, as a condition for registration in the Central Contractor Registry, to provide the Secretary with the information and authorization described in paragraph (1).

"(B) The Secretary shall—

"(i) warn each source seeking to register in the Central Contractor Registry that the source may be subject to backup withholding for a failure to submit each such number to the Secretary; and

"(ii) take the actions necessary to initiate the backup withholding in the case of a registrant who fails to register each taxpayer identification number valid for the registrant and is subject to the backup withholding requirement.

"(3) A source registered in the Central Contractor Registry is not eligible for a contract.
entered into under this chapter or title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) if that source—

(A) has failed to provide the authorization described in paragraph (1)(B);

(B) has failed to register in that registry all valid taxpayer identification numbers for that source;

(C) has registered in that registry an invalid taxpayer identification number and fails to correct that registration.

(4) The Secretary of Defense shall make arrangements with the Commissioner of Internal Revenue for each head of an agency within the Department of Defense to participate in a taxpayer identification number matching program of the Internal Revenue Service.

(B) The Commissioner of Internal Revenue shall coordinate with the Secretary of Defense to determine the validity of taxpayer identification numbers registered in the Central Contractor Registry. As part of the cooperation, the Commissioner shall promptly respond to a request of the Secretary of Defense or the head of an agency within the Department of Defense for electronic validation of a taxpayer identification number for a registrant by notifying the Secretary or head of an agency, respectively, of—

(i) the validity of that number; and

(ii) in the case of an invalid taxpayer identification number, any correct taxpayer identification number for such registrant that the Commissioner can promptly and reasonably determine.

(C) The Secretary shall transmit to a registrant notification, of each of the registrant’s taxpayer identification numbers, if any, that is determined invalid by the Commissioner of Internal Revenue and shall provide the registrant with an opportunity to substitute a valid taxpayer identification number.

(5) The Secretary of Defense shall require that, at the place in the Central Contractor Registry where the taxpayer identification numbers of a registrant are to be displayed, the display bear (as applicable)—

(A) for each taxpayer identification number of that registrant, an indicator of whether such number has been determined valid, is being reviewed for validity, or has been determined invalid;

(B) an indicator that no taxpayer identification number is required for the registrant.

(6) This subsection applies to each source who registers any information regarding that source in the Central Contractor Registry after December 31, 2005, except that paragraphs (1), (2), and (3) do not apply to a source who establishes to the satisfaction of the Secretary of Defense that such source is not required to have a taxpayer identification number.

(c) CONFIDENTIALITY OF INFORMATION.—The Secretary of Defense shall ensure that taxpayer identification numbers in the Central Contractor Registry are not made available to the public. The Secretary shall prescribe a requirement for procurement officials of the United States having access to such numbers in that registry to maintain the confidentiality of those numbers.

(b) CLERICAL AMENDMENT.—The table of sections of this chapter is amended by inserting after the item relating to section 2302d the following new item:

"2302e. Central Contractor Registry.".

SA 1522. 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.

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

SEC. 834. TRAINING FOR DEFENSE ACQUISITION WORKFORCE ON THE REQUIREMENTS OF THE BERRY AMENDMENT.

(a) Training during Fiscal Year 2006.—The Secretary of Defense shall ensure that the defense acquisition workforce (including personnel engaged in end-item inspections) receives training during fiscal year 2006 on the requirements of section 2533a of title 10, United States Code (commonly referred to as the "Berry Amendment"), and the regulations implementing that section.

(b) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the defense acquisition workforce development, or for defense acquisition workforce development, that requires an individual to be certified shall include a description of the Berry Amendment.

(c) IMPLEMENTATION OF THE BERRY AMENDMENT.—The Secretary of Defense shall ensure that the display bear (as applicable)—

(i) the validity of that number; and

(ii) in the case of an invalid taxpayer identification number, any correct taxpayer identification number for such registrant that the Commissioner can promptly and reasonably determine.

(d) The Secretary shall transmit to a registrant notification, of each of the registrant’s taxpayer identification numbers, if any, that is determined invalid by the Commissioner of Internal Revenue and shall provide the registrant with an opportunity to substitute a valid taxpayer identification number.

(e) The Secretary shall require that, at the place in the Central Contractor Registry where the taxpayer identification numbers of a registrant are to be displayed, the display bear (as applicable)—

(A) for each taxpayer identification number of that registrant, an indicator of whether such number has been determined valid, is being reviewed for validity, or has been determined invalid;

(B) an indicator that no taxpayer identification number is required for the registrant.

(f) This subsection applies to each source who registers any information regarding that source in the Central Contractor Registry after December 31, 2005, except that paragraphs (1), (2), and (3) do not apply to a source who establishes to the satisfaction of the Secretary of Defense that such source is not required to have a taxpayer identification number.

(g) CONFIDENTIALITY OF INFORMATION.—The Secretary of Defense shall ensure that taxpayer identification numbers in the Central Contractor Registry are not made available to the public. The Secretary shall prescribe a requirement for procurement officials of the United States having access to such numbers in that registry to maintain the confidentiality of those numbers.

(h) CLERICAL AMENDMENT.—The table of sections of this chapter is amended by inserting after the item relating to section 2302d the following new item:

"2302e. Central Contractor Registry.".

SA 1523. Mrs. DOLE (for herself, Mr. DURBIN, and Mr. Nelson of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 653. TERMS OF CONSUMER CREDIT EXTENDED TO SERVICEMEMBER OR SERVICEMEMBER’S DEPENDENT.

(a) Terms of consumer credit.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. TERMS OF CONSUMER CREDIT.

(1) INTEREST.—A creditor who extends consumer credit to a servicemember or a servicemember’s dependent shall not require the servicemember or the servicemember’s dependent to pay interest with respect to the extension of such credit, except as—

(A) a statement of the annual percentage rate applicable to the extension of consumer credit; or

(B) a notification of each of the registrant’s taxpayer identification numbers, the Secretary or head of an agency, respectively, shall provide to a registrant a notification of each of the registrant’s taxpayer identification numbers, any correct taxpayer identification number for such registrant by notifying the Secretary or head of an agency, respectively, of—

(1) the validity of that number; and

(2) in the case of an invalid taxpayer identification number, any correct taxpayer identification number for such registrant that the Commissioner can promptly and reasonably determine.

(3) The Secretary shall transmit to a registrant notification, of each of the registrant’s taxpayer identification numbers, if any, that is determined invalid by the Commissioner of Internal Revenue and shall provide the registrant with an opportunity to substitute a valid taxpayer identification number.

(4) The Secretary of Defense shall require that, at the place in the Central Contractor Registry where the taxpayer identification numbers of a registrant are to be displayed, the display bear (as applicable)—

(1) for each taxpayer identification number of that registrant, an indicator of whether such number has been determined valid, is being reviewed for validity, or has been determined invalid;

(2) an indicator that no taxpayer identification number is required for the registrant.

(5) This subsection applies to each source who registers any information regarding that source in the Central Contractor Registry after December 31, 2005, except that paragraphs (1), (2), and (3) do not apply to a source who establishes to the satisfaction of the Secretary of Defense that such source is not required to have a taxpayer identification number.

(c) CONFIDENTIALITY OF INFORMATION.—The Secretary of Defense shall ensure that taxpayer identification numbers in the Central Contractor Registry are not made available to the public. The Secretary shall prescribe a requirement for procurement officials of the United States having access to such numbers in that registry to maintain the confidentiality of those numbers.

(b) CLERICAL AMENDMENT.—The table of sections of this chapter is amended by inserting after the item relating to section 2302d the following new item:

"2302c. Central Contractor Registry.".

SA 1524. Mrs. DOLE (for herself, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DeWINE, Ms. LANDRIEU, Mr. CHAFFEE, Ms. MIKULSKI, Mr. CHAMBLISS, and Mr. DURBIN) 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. MENTAL HEALTH COUNSELORS UNDER TRICARE.

(a) REIMBURSEMENT UNDER TRICARE.—

Section 1079(a)(8) of title 10, United States Code, is amended—

(1) by inserting "mental health counselors'' after ''certified marriage and family therapists’’ both places it appears; and

(2) by inserting "mental health counselors'' after "certified marriage and family therapists’’ both places it appears; and
(2) by inserting "or licensed or certified mental health counselors" after "that the therapists;"

(b) AUTHORITY TO PROVIDE MENTAL HEALTH SERVICES TO VA VETERANS.—Section 1079(a)(13) of title 38, United States Code, is amended by inserting "or licensed mental health counselor," after "counseling marriage and family therapist;"

(c) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-107; 109 Stat. 2769; 10 U.S.C. 1012 note) is amended by inserting "mental health counselors," after "psychologist;".

SEC. 1525. 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:

SEC. 1526. Mrs. DOLE 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:

SEC. 1527. Mrs. BOXER (for herself and Ms. SNOwE) 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:

SEC. 1528. Mr. KERRY 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:
SEC. 446. EXTENSION OF SOCIALLY AND ECONOMICALLY DISADVANTAGED BUSINESS PROGRAM.


SA 1529. Mr. VÖINOVICE 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. 344. REPORT ON COLLABORATION ON CERTAIN RESEARCH BETWEEN THE DEPARTMENT OF DEFENSE AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress a report setting forth the recommendations of the Secretary and the Administrator regarding the most appropriate means of carrying out collaboration between the Department and the Administration in research on the following:

(1) Gas turbines.

(2) Noise and emissions reductions with respect to jet engines.

(3) Hypersonic propulsion for aircraft flight.

SA 1530. Mr. MARTINEZ (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1023. SENSE OF SENATE ON SECOND HOMEPORT FOR NUCLEAR AIRCRAFT CARRIERS ON THE EAST COAST OF THE UNITED STATES.

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

(1) The Navy has long recognized the need for sufficient deepwater ports, in both the Atlantic Ocean and the Pacific Ocean, to adequately protect its fleet.

(2) The Chief of Naval Operations testified before Congress in 2005 that the Navy needs two homeports capable of handling aircraft carriers on each coast of the United States for strategic and security purposes.

(3) The Navy currently maintains two aircraft carrier homeports on the East Coast of the United States.

(4) The scheduled decommissioning of the two remaining conventional carriers would leave the Navy with an aircraft carrier fleet consisting entirely of nuclear aircraft carriers.

(5) The Navy currently possesses only one homeport on the East Coast of the United States capable of handling nuclear aircraft carriers.

(6) Dispersing the Atlantic aircraft carrier fleet at two ports on the East Coast of the United States is a strategic and security imperative.

(b) SENSE OF SENATE.—It is the sense of the Senate that a second homeport capable of handling nuclear aircraft carriers should be established on the East Coast of the United States as soon as practicable after the date of the enactment of this Act.

SA 1531. 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 D of title X, add the following:

SEC. 1044. STUDY ON ROLE AND MISSION OF THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

(a) STUDY.—The Secretary of Defense shall carry out a study of the role and mission of the Defense Advanced Research Projects Agency (DARPA).

(b) Contents.—The study under subsection (a) shall include the following:

(1) An examination of unique mission of the Defense Advanced Research Projects Agency at the time of its establishment, and whether there has been a significant change in the need for an organization fulfilling such mission, including an assessment of the current need for the Department of Defense:

(A) to ensure that the United States maintains clear leadership in all significant areas of basic and applied research having potential relevance to the national security of the United States for the foreseeable future;

(B) to ensure United States leadership in key areas, such as advanced mathematics or revolutionary materials, not adequately addressed by other departments or agencies of the Federal Government;

(C) to explore revolutionary approaches to difficult, but critical problems that would not be attempted by research programs with near-term and midterm development goals;

(D) to create and foster research teams and partnerships among universities, including a linkage of academic and private sector entities that would be unlikely to form through traditional research practices; and

(E) to protect the unique research capacity of research groups in institutions of higher education and ensure that perspectives and insights from research conducted by institutions of higher education continuously stimulate advances in defense research.

(2) An analysis of the mission of the Agency can be fulfilled by other components of the Department of Defense engaged in defense research.

(3) An identification of recommendations for ensuring that the Agency is capable of carrying out the unique functions assigned to it, which recommendations shall be based on an assessment of whether:

(A) the Agency is established a position in the Department of Defense best suited to ensuring that it is evaluated with respect to the mission referenced in paragraph (1);

(B) the tests applied to the Agency ensure a focus by the Agency on projects relevant to the security interests of the United States without excluding projects with immediate relevance to defense applications in the near term;

(C) the classification of research limits access to key research assets in institutions of higher education and elsewhere, including work by noncitizens;

(d) Role of Director.—The Director of Defense Research and Engineering shall carry out the unique functions assigned to the Agency and for which the Agency hires the most qualified individuals and ensures that hired individuals maintain their positions for long enough to make significant progress complex areas of research;

(E) the performance review cycles of the Agency hold researchers to the highest standards without requiring fixed, near-term performance requirements that can compromise a focus on breakthrough technologies;

(F) the Agency—

(i) under takes appropriate steps to survey all potential areas where revolutionary or breakthrough research may yield critical results; and

(ii) undertakes adequate methods for establishing priorities;

(G) the Agency has developed adequate strategies for transferring successful breakthrough research to other research organizations in the Department of Defense or other public or private research organizations; and

(H) the Agency takes adequate steps to ensure that its priorities and management strategies are held to the highest standards by an independent review group committed to the unique mission of the Agency and capable of ensuring that the Agency remain focused on topics that meet meaningful standards for importance and difficulty.

(c) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2007, the Secretary shall submit to the Committee on Armed Services of the Senate and the House of Representatives a report on the results of the study under subsection (a).

(2) RECOMMENDATIONS.—The report shall include recommendations regarding:

(A) the appropriate mission of the Defense Advanced Research Projects Agency; and

(B) whether or not modifications are required for the authorities and resources applicable to the Agency in order to ensure that such mission can be executed with utmost efficiency.

(d) ROLE OF DEFENSE SCIENCE BOARD.—The Secretary shall act through the Defense Science Board in carrying out the study under subsection (a) and preparing the report under subsection (c).

SA 1532. Mr. DORGAN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —IMPORTATION OF PRESCRIPTION DRUGS

TITLE —IMPORTATION OF PRESCRIPTION DRUGS

SEC. 1. SHORT TITLE.

This division may be cited as the “Pharmaceutical Market Access and Drug Safety Act of 2005.”

SEC. 2. FINDINGS.

Congress finds that—

(1) Americans unjustly pay up to 5 times more to fill their prescriptions than consumers in other countries;
(2) the United States is the largest market for pharmaceuticals in the world, yet American consumers pay the highest prices for brand pharmaceuticals in the world;

(3) a pot currently enjoy; neither safe nor effective to an individual who cannot afford it;

(4) allowing and structuring the importation of certain prescription drugs to ensure access to safe and affordable drugs approved by the Food and Drug Administration will provide a level of safety to American consumers that they currently enjoy;

(5) American seniors alone will spend $1,800,000,000,000 on pharmaceuticals over the next 10 years; and

(6) growing unprofitable pharmaceutical markets could save American consumers at least $38,000,000,000 each year.

**SEC. 3. REPEAL OF CERTAIN SECTION REGARDING IMPORTATION OF PRESCRIPTION DRUGS.**


**SEC. 4. IMPORTATION OF PRESCRIPTION DRUGS: WAIVER OF CERTAIN IMPORT RESTRICTIONS.**

(a) In General.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 3, is further amended by inserting after section 803 the following:

"SEC. 804. COMMERCIAL AND PERSONAL IMPORTATION OF PRESCRIPTION DRUGS."

"(a) Importation of Prescription Drugs.—

"(1) In General.—In the case of qualifying drugs imported or offered for import into the United States from registered exporters or by registered importers—

"(A) the limitation on importation that is established in section 801(d)(1) is waived; and

"(B) the standards referred to in section 801(a) regarding admission of the drugs are subject to subsection (g) of this section, including with respect to qualifying drugs to which section 801(d)(1) does not apply.

"(2) Importers.—A qualifying drug may not be imported under paragraph (1) unless—

"(A) the drug is imported by a pharmacy, group of pharmacies, or a wholesaler that is a registered importer; or

"(B) the drug is imported by an individual for personal use or for the use of a family member of the individual (not for resale) from a registered importer.

"(3) Rule of Construction.—This section shall apply only with respect to a drug that is imported or offered for import into the United States—

"(A) by a registered importer; or

"(B) from a registered exporter to an individual.

"(4) Definitions.—

"(A) REGISTERED EXPORTER; REGISTERED IMPORTER.—For purposes of this section:

"(i) The term 'registered exporter' means an exporter for which a registration under subsection (b) has been approved and is in effect;

"(ii) The term 'registered importer' means a pharmacy, group of pharmacies, or a wholesaler for which a registration under subsection (b) has been approved and is in effect;

"(iii) The term 'registration condition' means a condition that must exist for a registration under subsection (b) to be approved;

"(B) QUALIFYING DRUG.—For purposes of this section, the term 'qualifying drug' means a drug for which there is a corresponding U.S. label drug.

"(C) UNITED STATES LABEL DRUG.—For purposes of this section, the term 'U.S. label drug' means a prescription drug that—

"(i) with respect to a qualifying drug, has the same active ingredient or ingredients, route of administration, dosage form, and strength as the qualifying drug;

"(ii) within the meaning of section 801(d)(1) does not apply).

"(B) the drug is imported by an individual licensed by a State to practice pharmacy, and

"(CC) the protection of the privacy of personal medical information; and

"(bb) the importation of drugs to individuals in the United States is in accordance with the standards in the United States and Canada with respect to—

"(AA) the training of pharmacists;

"(BB) the protection of personal medical information; and

"(CC) the protection of the privacy of personal medical information;

"(cc) that require the methods used in, and the facilities and controls used for the manufacture, processing, and packaging of drugs in the United States to be in accordance with the standards in the United States and Canada with respect to—

"(AA) the training of pharmacists;

"(BB) the protection of personal medical information; and

"(CC) the protection of the privacy of personal medical information;

"(dd) for the reporting of adverse reactions pursuant to submitting a registration under subsection (a) of this section to the Secretary (referred to in this subsection as 'the Secretary');

"(ee) that require the labeling and promotion of drugs to be in accordance with the approval of the drug.

"(ii) The United States is the largest market for pharmaceuticals in the world, yet American consumers pay the highest prices for brand pharmaceuticals in the world;

"(iii) a member country of the European Union, but does not include a member country with respect to which—

"(A) the country's Annex to the Treaty of Amsterdam, to the European Union 2005 includes a transitional measure for the regulation of human pharmaceutical products that has not expired; or

"(B) the Secretary determines that the requirements described in clauses (i) and (II) of clause (vii) will not be met by the date on which such transitional measure for the regulation of human pharmaceutical products expires;

"(iv) Japan;

"(v) New Zealand;

"(vi) Switzerland; and

"(vii) a country in which the Secretary determines the following requirements are met:

"(I) The country has statutory or regulatory requirements—

"(aa) that require the review of drugs for safety and effectiveness by an entity of the government of the country;

"(bb) that authorize the approval of only those drugs that have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs;

"(cc) that require the methods used in, and the facilities and controls used for the manufacture, processing, and packaging of drugs in the United States to be in accordance with the standards in the United States and Canada with respect to—

"(AA) the training of pharmacists;

"(BB) the protection of personal medical information; and

"(CC) the protection of the privacy of personal medical information;

"(dd) that require the labeling and promotion of drugs to be in accordance with the approval of the drug.

"(II) The valid marketing authorization system in the country is equivalent to the systems in the countries described in clauses (i) through (vi).

"(III) the importation of drugs to the United States from the country will not adversely affect public health.

"(B) REGISTRATION OF IMPORTERS AND EXPORTERS.—

"(I) REGISTRATION OF IMPORTERS AND EXPORTERS.—A registration condition is that the importer or exporter involved (referred to in this subsection as a 'registrant') submits to the Secretary a registration containing the following:

"(AA) in the case of an exporter, the name of the exporter and an identification of all places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter;

"(BB) in the case of an importer, the name of the importer and an identification of all places of business of the importer that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the importer.

"(II) The Secretary determines that the requirements described in clauses (i) and (II) of clause (vii) will not be met by the date on which such transitional measure for the regulation of human pharmaceutical products expires;"
section (a)(2)(B).

(K) Such other provisions as the Secretary may require by regulation to protect the public health.

(i) the importer by pharmacies, groups of pharmacies, and wholesalers as registered importers of qualifying drugs under subsection (a); and

(ii) importation by individuals of qualifying drugs under subsection (a).

(2) Approval or Disapproval of Registration.—

(A) In General.—Not later than 90 days after the date on which a registrant submits to the Secretary a registration under paragraph (1), the Secretary shall notify the registrant whether the registration is approved or is disapproved. The Secretary shall disapprove a registration if there is reason to believe that the registrant is not in compliance with one or more registration conditions, and shall notify the registrant of such reason. In the case of a disapproved registration, the Secretary shall subsequently notify the registrant that the registration is approved if the Secretary determines that the registrant is in compliance with such conditions.

(B) Changes in Registration Information.—Not later than 30 days after receiving notice that the registrant has exported a drug or the importer has imported a drug, the Secretary shall determine their accuracy; and compliance with the standards referred to in section 801(a); being licensed as a pharmacist; and conditions for individuals and maintenance of records and samples.

(C) An agreement by the registrant that the registrant will not under subsection (a) import or export any drug that is not a qualifying drug.

(D) An agreement by the registrant to—

(1) notify the Secretary of a recall or withdrawal of a qualifying drug distributed in a manner that the registrant has exported or imported, or intends to export or import, to the United States under subsection (a);

(ii) provide for the return to the registrant of such drug; and

(iii) cease, or not begin, the exportation or importation of such drug unless the Secretary determines, after notice and opportunity for an informal hearing, the Secretary determines that the exporter has—

(A) exported a drug to the United States that is not a qualifying drug with respect to the authority to distribute the drug to pharmacies, and wholesalers as registered importers of qualifying drugs under section (a); and

(B) changes in registration conditions that the exporter or importer involved agrees that a qualifying drug will under subsection (a) be exported or imported into the United States only if there is compliance with the following:

(1) The drug was manufactured in an establishment required to be inspected under subsection (a) or (i) of section 510; and

(2) The establishment manufactured the drug distributed in a foreign country that is not a permitted country.

(3) Publication of Contact Information for Registered Exporters.— Through the Food and Drug Administration and a toll-free telephone number, the Secretary shall make readily available to the public a list of registered exporters, including, at a minimum, the name of the exporter and the toll-free telephone number provided through the toll-free telephone number accordingly.

(4) Suspension and Termination.—

(A) Suspension.—With respect to the effectiveness of a registration submitted under paragraph (1):

(i) Subject to clause (ii), the Secretary may suspend the registration if the Secretary determines, after notice and opportunity for a hearing, that the registrant has failed to maintain substantial compliance with a registration condition.

(ii) If the Secretary determines that, under color of the registration, the registrant has engaged in a pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subsection (E) directly from an entity that, by contract with the exporter or importer obtained the drug—

(A) directly from the establishment; or

(B) provides to the exporter or importer a statement (in such form and containing such information as the Secretary may require) that, for the chain of custody from the establishment, identifies each prior sale, purchase, or trade of the drug (including the names of the parties and the dates, times, and addresses of all parties to the transaction); and

(C) sources of qualifying drugs.—A registration condition that the exporter or importer involved agrees that a qualifying drug will under subsection (a) be exported or imported into the United States only if there is compliance with the following:

(i) provides to the exporter or importer a statement (in such form and containing such information as the Secretary may require) that, for the chain of custody from the establishment, identifies each prior sale, purchase, or trade of the drug (including the names of the parties and the dates, times, and addresses of all parties to the transaction); and

(ii) agrees to the Secretary to inspect such statements and related records to determine whether the information is accurate and current; and

(iii) agrees, with respect to the qualifying drugs involved, to permit the Secretary to inspect warehouses and other facilities, in addition to the records, of the registrant or importer to determine whether the facilities are in compliance with any standards under this

(4) Suspension and Termination.—

(A) Suspension.—With respect to the effectiveness of a registration submitted under paragraph (1):

(i) Subject to clause (ii), the Secretary may suspend the registration if the Secretary determines, after notice and opportunity for a hearing, that the registrant has failed to maintain substantial compliance with a registration condition.

(ii) If the Secretary determines that, under color of the registration, the registrant has engaged in a pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subsection (E) directly from an entity that, by contract with the exporter or importer obtained the drug—

(A) directly from the establishment; or

(B) provides to the exporter or importer a statement (in such form and containing such information as the Secretary may require) that, for the chain of custody from the establishment, identifies each prior sale, purchase, or trade of the drug (including the names of the parties and the dates, times, and addresses of all parties to the transaction); and

(C) sources of qualifying drugs.—A registration condition that the exporter or importer involved agrees that a qualifying drug will under subsection (a) be exported or imported into the United States only if there is compliance with the following:

(i) provides to the exporter or importer a statement (in such form and containing such information as the Secretary may require) that, for the chain of custody from the establishment, identifies each prior sale, purchase, or trade of the drug (including the names of the parties and the dates, times, and addresses of all parties to the transaction); and

(ii) agrees to the Secretary to inspect such statements and related records to determine whether the information is accurate and current; and

(iii) agrees, with respect to the qualifying drugs involved, to permit the Secretary to inspect warehouses and other facilities, in addition to the records, of the registrant or importer to determine whether the facilities are in compliance with any standards under this
Act that are applicable to facilities of that type in the United States; and

“(iv) has ensured, through such contractual relationships as may be necessary, that the Secretary determines to be necessary to identify the economic and technical feasibility of those technologies, except that a drug that lacks such technologies from the point of manufacture shall not for that reason be excluded from importation by an importer.

“(C) Randomly reviewing records of exporters to individuals for the purpose of determining whether the individual is importing a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the importer, which shall be accompanied or supplemented by the use of antiterrorism or track-and-trace technologies, taking into account the economic and technical feasibility of those technologies.

“(D) Inspecting as the Secretary determines necessary the warehouses and other facilities, including records of, other parties in the chain of custody of qualifying drugs.

“(E) Determining whether the exporter is in compliance with all other registration requirements.

“(F) Prior Notice of Shipments.—A registration condition is that the importer agrees, before wholesale distribution of the drug to the public, to submit a notice to the Secretary with respect to the shipment of drugs to be imported during that fiscal year that is sufficient, and not more than 12 times annually, the places of business referred to in subparagraph (A)(i), and such an assignment remains in effect on a continual basis for a period of 3 years, unless revoked by the Secretary in writing.

“(2) MARKING OF COMPLIANT SHIPMENTS.—A registration condition is that the importer agrees, before wholesale distribution of the drug to the public, to submit a notice to the Secretary with respect to the importation of a statistically significant sample of qualifying drugs into the United States to determine if such a shipment should be refused admission under subsection (g)(5).

“(A) AGGREGATE TOTAL OF FEES.—Not later than 30 days before the start of each fiscal year, the Secretary, in consultation with the Secretary of Homeland Security and the Secretary of the Treasury, shall establish an aggregate total of fees to be collected under paragraph (2) for importers of such drugs that is sufficient, and not more than 12 times annually, the places of business referred to in subparagraph (A)(i), and such an assignment remains in effect on a continual basis for a period of 3 years, unless revoked by the Secretary in writing.

“(B) IMPORTER FEES.—The aggregate total of fees to be collected under paragraph (2) for importers of such drugs that is sufficient, and not more than 12 times annually, the places of business referred to in subparagraph (A)(i), and such an assignment remains in effect on a continual basis for a period of 3 years, unless revoked by the Secretary in writing.

“(C) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for each fiscal year shall not exceed 1 percent of the total price of qualifying drugs imported during that fiscal year; provided, that in the case of a fiscal year, the Secretary shall estimate the total price of qualifying drugs imported into the United States; and

“(D) LIMITATION.—For the purposes of complying with the limitation described in subparagraph (B) when establishing under subpar-
United States by registered importers during that fiscal year by adding the total price of qualifying drugs imported during the 6-month period from January 1 through June 30 of each fiscal year, as reported to the Secretary by each registered importer under subsection (b)(1)(D).

(II) Calculation.—Not later than March 1 of the fiscal year that follows the fiscal year for which the estimate under clause (i) is made, the Secretary shall calculate the total price of qualifying drugs imported during that fiscal year, as reported to the Secretary by each registered importer during that fiscal year, under paragraph (2) for that fiscal year, the Secretary shall provide for a pro-rata reduction in the fee due from each registered importer during the 6-month period from October 1 and April 1 of the subsequent fiscal year so that the limitation described in subparagraph (B), (2), (3), and (4).

(II) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B), the aggregate total of fees to be collected under paragraph (2) for a fiscal year shall not exceed 1 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered exporters under subsection (a).

(IV) TOTAL PRICE OF DRUGS.—

(1) ESTIMATE.—For the purposes of complying with the limitation described in subparagraph (B), the aggregate total of fees to be collected under paragraph (2) for a fiscal year shall not exceed 1 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered exporters under subsection (a).

(2) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 1 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered exporters under subsection (a).

(3) USE OF FEES.—

(A) IN GENERAL.—Subject to appropriation Acts, fees collected by the Secretary under paragraphs (1) and (2) shall be transferred to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

(B) BUDGETary.—Fees collected by the Secretary under paragraphs (1) and (2) are for the sole purpose of paying the expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

(C) Use of Fees.—Subject to the limitations described in subparagraphs (A) and (B), fees collected under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

(D) Individual Exporter Fee.—Subject to the limitations described in subparagraphs (A) and (B), the fee under paragraph (2) shall be paid on October 1 and April 1 by an exporter shall be an amount that is proportional to a reasonable estimate of the share of the importer of the volume of qualifying drugs imported by importers under subsection (b)(1)(D).

(4) Use of Fees.—

(A) IN GENERAL.—Subject to appropriation Acts, fees collected by the Secretary under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

(B) Sole Purpose.—Fees collected by the Secretary under paragraphs (1) and (2) are for the sole purpose of paying the costs referred to in paragraph (3)(A).

(C) Collection of.—In the case where the Secretary does not receive payment of a fee assessed under paragraph (1) or (2) within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to section 37 of title 31, United States Code.

(1) IN GENERAL.—A registration fee of up to $40,000 may be charged as a registration fee for each registrant to be made a registrant under section 505(b) for the U.S. label drug.

(2) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 1 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered exporters under subsection (a).

(III) Screening such markings, and inspecting such shipments as necessary, when offered for import into the United States to determine if a drug is prohibited from importation under subsection (a) and shall be refused admission under subsection (g)(5).

(B) LIMITATION.—Subject to subparagraph (C), the aggregate total of fees collected under paragraph (2) for a fiscal year shall not exceed 1 percent of the total price of qualifying drugs imported during that fiscal year into the United States by registered exporters under subsection (a).

(C) Use of Fees.—Subject to the limitations described in subparagraphs (A) and (B), fees collected under paragraphs (1) and (2) shall be credited to the appropriation account for salaries and expenses of the Bureau of Customs and Border Protection until expended (without fiscal year limitation).

(D) INDIVIDUAL EXPORTER FEE.—Subject to the limitations described in subparagraphs (A) and (B), the fee under paragraph (2) shall be paid on October 1 and April 1 by an exporter shall be an amount that is proportional to a reasonable estimate of the share of the importer of the volume of qualifying drugs imported by importers under subsection (b)(1)(D).
(iii) CERTIFICATIONS.—The chief executive officer of the manufacturer or of the individual or entity that makes, produces, fabricates, assembles, processes, or distributes the drug or device, as appropriate, shall certify in writing to the Secretary that the notices and applications filed with the Secretary are true and complete, that the requirements of this section have been complied with, and that the person that is required to pay fees has done so.

(a) any;

(ii) consider the difference to be a variation provided for in the approved application for the U.S. label drug; and

(iii) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

The Secretary shall—

(i) order that the importation of the manufacturing change under clause (ii) from the permitted country cease; or

(ii) may not order that the importation of the manufacturing change under clause (i) cease, or provide that an order shall not be required for the difference to be made to the U.S. label drug, or that states that there is no difference, the Secretary—

(i) consider such difference to be a variation provided for in the approved application for the U.S. label drug;

(ii) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general that the notice has been submitted.

(iii) OPERATION OF NOTICES.—A notice under this subsection shall become effective when the Secretary determines that the notice has been submitted and the requirements of this section have been complied with.

(a) request approval of the other drug for sale in the United States; and

(b) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

(iii) makes a request for the approval of the other drug for sale in the United States; and

(i) determines that the drug is not bioequivalent to the U.S. label drug, the Secretary shall—

(i) make a request for the approval of the other drug for sale in the United States; and

(ii) consider the difference to be a variation provided for in the approved application for the U.S. label drug.

(iii) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of the determination.

(i) request approval of the other drug for the indication or indications for which the drug approved under section 505(b) is labeled;
(II) include the information that the person submitted to the government of the permitted country for purposes of obtaining approval for commercial distribution of the other drug in that country, which if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation;

(III) include a right of reference to the application for the drug approved under section 505(b);

(IV) include such additional information as the Secretary may require.

(iii) Timing of submission of application.—(A) Under section 505(b), required under clause (i) shall be submitted to the Secretary not later than the day on which the information referred to in clause (ii) is submitted to the government of the permitted country.

(IV) Notice of decision on application.—The Secretary shall promptly notify registered exporters, registered importers, the Federal Trade Commission, and the State attorneys general of a determination to approve or to disapprove an application under section 505(b), required under clause (i).

(V) Related active ingredients.—For purposes of clause (i)(II), 2 active ingredients are related if they are—

(aa) different salts, esters, or complexes of the same moiety;

(bb) different active ingredients of the same moiety.

(VI) packaging.—A qualifying drug offered for import to an individual by an exporter under this section that is packaged in a unit-of-use container (as those items are defined in the Packaging Act of 1970 (15 U.S.C. 1471 et seq.) and the labeling of the qualifying drug includes—

(aa) a prominent advisory that persons with an allergy should check the ingredient list described in section 502(e)(3) for each active ingredient in the qualifying drug;

(bb) a list of the ingredients of the drug as would be required under section 502(e); and

(cc) a copy of any special labeling that would be required by the Secretary had the U.S. label drug been dispensed by a pharmacist in the United States, without regard to whether the special labeling bears any trademark involved;

(dd) a copy of the labeling approved for the U.S. label drug under section 505, without regard to whether the copy bears any trademark involved;

(ee) the name, location, and registration number of the manufacturer;

(ff) the National Drug Code number assigned to the qualifying drug by the Secretary;

(gg) the lot number assigned by the manufacturer;

(hh) the shipping container or markings provided to the registered exporter in- cluded a recall of the drug.

(ii) packaging.—A qualifying drug offered for import to an individual by an exporter under this section that is packaged in a unit-of-use container (as those items are defined in the United States Pharmacopeia and National Formulary) shall not be repackaged, provided that—

(a) the packaging complies with all applicable regulations under sections 3 and 4 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.); and

(b) the methods used in, or the facilities packed, or held under insanitary conditions;

(c) the drug is not in compliance with section 502 and the labeling of the qualifying drug complies with section 502(e).
(1) to indicate that the prescription, and
the equivalent document in the permitted country in which the exporter is located, has been filled; and
(2) to prescribe a duplicate filling by another pharmacist.

(D) The individual has provided to the registered exporter a complete list of all drugs used by the individual for review by the appropriate, registered exporters, registered organization, including the United Nations and affiliates, or to a government of a foreign country.

(F) The importer has not filled a request for a recall or withdrawal of a qualifying drug under this section.

(G) The individual has not provided the importer with any information requested by the Secretary to review such an application.

(H) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(I) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(J) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(K) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(L) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(M) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(N) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(O) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(P) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(Q) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(R) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(S) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(T) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(U) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(V) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(W) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(X) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(Y) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.

(Z) The individual has not provided the Secretary with a materially false, fictitious, or fraudulent statement, or knowingly failed to provide promptly any information requested by the Secretary to review such an application.
‘(i) the Secretary has determined that the difference was necessary to improve the safety or effectiveness of the drug;

(ii) the person manufacturing the drug for distribution in the United States has given notice to the Secretary under subsection (g)(2)(B)(i) that the drug for distribution in the United States is not different from the drug for distribution in permitted countries whose combined population represents at least 50 percent of the total population of all permitted countries; or

(iii) a determination was not caused, in whole or in part, for the purpose of restricting importation of the drug into the United States under this section.

‘(3) EFFECT OF SUBSECTION.—

(A) SALES IN OTHER COUNTRIES.—This subsection applies only to the sale or distribution of a prescription drug in a country if the manufacturer of the drug chooses to sell or distribute the drug in the country. Nothing in this subsection shall be construed to compel the manufacturer of a drug to distribute or sell the drug in a country.

(B) DISCOUNTS TO INSURERS, HEALTH PLANS, PHARMACY BENEFIT MANAGERS, AND COVERAGE.— Nothing in this subsection shall be construed to—

(i) prevent or restrict a manufacturer of a prescription drug from providing discounts to an insurer, health plan, pharmacy benefit manager in the United States, or covered entity in the drug discount program under section 3629 of the Public Health Service Act (42 U.S.C. 266b) in accordance with inclusion of the drug on a formulary;

(ii) require that such discounts be made available to other purchasers of the prescription drug;

(iii) prevent or restrict any other measures taken by an insurer, health plan, or pharmacy benefit manager to encourage consumption of such prescription drug.

(C) CHARITABLE CONTRIBUTIONS.—Nothing in this subsection shall be construed to—

(i) require that any charitable contributions or contributions to any humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country;

(ii) apply to such donations or supplying of a prescription drug.

‘(4) RULES OF CONSTRUCTION.—

(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this subsection shall be treated as a rule defining an unfair or deceptive act or practice prescribed under section 5(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)(B)).

(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission—

(i) shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subsection; and

(ii) may seek monetary relief threefold the damages sustained, in addition to any other remedy available to the Federal Trade Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) ACTIONS BY STATES.—

(A) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been adversely affected by any manufacturer of a prescription drug that violates paragraph (1), the attorney general of a State may bring a civil action on behalf of the residents of the State, and persons doing business in the State, in the State court of any State of the United States of appropriate jurisdiction to—

(i) enjoin that practice; and

(ii) enforce compliance with this subsection;

(iii) obtain damages, restitution, or other compensation on behalf of residents of the State and persons doing business in the State, including threefold the damages; or

(iv) obtain such other relief as the court may consider to be appropriate.

(B) IN GENERAL.—Before filing an action under clause (i), the attorney general of the State involved shall provide to the Federal Trade Commission a written notice of that action and a copy of the complaint for that action.

‘(II) to file a petition for appeal.

(C) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this subsection shall be construed to—

(i) require that the attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(D) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Federal Trade Commission for the violation of paragraph (1), a State may not, during the pendency of that action, institute an action under this subsection, or file the complaint for that action, or institute an action for the amount of monetary relief awarded in an action under this paragraph brought by the attorney general of a State arising out of the sale or distribution of a prescription drug in a country if the manufacturer of the drug chooses to sell or distribute the drug in the country.

(E) VENUE.—Any action brought under subparagraph (A) may be brought in the district court of the United States of the State, and persons doing business in the State, in the State court of any State of the United States of appropriate jurisdiction.
‘(2) the drug is not otherwise subject to a waiver of the requirements of subsection (a);

‘(3) the individual may under section 804 lawfuly import certain prescription drugs from Northerners registered with the Secretary under section 804; and

‘(4) the individual can find information about such importation, including a list of registered importers, on the Internet website of the Food and Drug Administration or through a toll-free telephone number required under section 804.

‘(2) REGISTRATION.—Section 510(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(i)) is amended in paragraph (2), by redesignating subsections (h) and (i) as (i) and (j), respectively; and

‘(b) by inserting after subsection (g) the following:

‘(h) It shall not be an act of infringement to use, offer to sell, or sell within the United States or to import into the United States any drug under subsection (b) of the Federal Food, Drug, and Cosmetic Act that was first sold abroad by or under authority of the owner or licensee of such patent.

‘(2) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (1) shall be construed to affect the ability of a patent owner or licensee to enforce their patent, subject to such amendment.

‘(e) EFFECT OF SECTION 804.—

‘(1) IN GENERAL.—Section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall permit the importation of qualifying drugs (as defined in such section 804) into the United States without regard to the status of the issuance of implementing regulations—

‘(A) from exporters registered under such section (g)(2)(B)(i) of such section 804 to not less than 100 (of which at least a significant number shall be groups of pharmacies, to the extent feasible given the applications submitted by such groups), so long as the Secretary gives priority to such importers with demonstrated ability to process a high volume of shipments of drugs to individuals in the United States.

‘(B) the notice is a notice under subsection (g)(2)(B)(i) of such section 804.

‘(2) ESTABLISHMENT REGISTRATION.—Section 804, the Secretary shall by guidance establish a series of submission dates for the notices under subparagraph (A) and (B) of such section 804 with respect to qualifying drugs introduced for commercial distribution in the United States based on the 12 calendar month period that is first completed on the date that is 120 days after the date of enactment of this title if—

‘(A) the U.S. label drug for the qualifying drug is 1 of the 100 prescription drugs with the highest dollar volume of sales in the United States based on the 12 calendar month period most recently completed before the date of enactment of this title; or

‘(B) the notice is a notice under subsection (g)(2)(B)(i) of such section 804.

‘(6) NOTICE FOR OTHER DRUGS FOR IMPORT.—

‘(A) GUIDANCE ON SUBMISSION DATES.—The Secretary shall by guidance establish a series of submission dates for the notices under subsection (g)(2)(B)(i) of such section 804 with respect to qualifying drugs introduced for commercial distribution in the United States based on the 12 calendar month period that is first completed on the date that is 120 days after the date of enactment of this title if—

‘(B) the notice is a notice under subsection (g)(2)(B)(i) of such section 804.

‘(7) NOTICES FOR DRUGS APPROVED AFTER EFFECTIVE DATE.—The notice required under paragraph (6) shall not be submitted before the Secretary reviews a notice referred to in paragraph (4), (5), or (6).

‘(8) NOTICE FOR OTHER DRUGS FOR IMPORT.—Beginning with fiscal year 2006, not later than 90 days after the end of each fiscal year during which the Secretary reviews a notice referred to in paragraph (4), (5), or (6), the Secretary shall submit to Congress concerning the progress of the Food and Drug Administration in reviewing the notices referred to in paragraphs (4), (5), and (6).

‘(9) USER FEES.—

‘(A) IMPORTERS.—When establishing an aggregate total of fees to be collected from importers under subsection (g) of section 804, the Secretary shall, under subsection (f)(3)(C)(i) of such section 804, estimate the total price of drugs imported under such paragraph during fiscal year 2006 to be $1,000,000,000.
(B) IMPORTERS.—When establishing an aggregate total of fees to be collected from importers under subsection (e)(2) of such section 804, the Secretary shall, under subsection (f) of such section 804, reestimate the total price of drugs imported under subsection (a) of such section 804 into the United States by registered importers during—

(i) fiscal year 2006 to be $1,000,000,000; and
(ii) fiscal year 2007 to be $10,000,000,000.

(C) FISCAL YEAR 2007 ADJUSTMENT.—(i) General.—Notwithstanding subsection (e)(3)(C)(ii) of such section 804 or subparagraph (B), the Secretary shall reestimate the total price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during fiscal year 2007. Such reestimate shall be equal to—

(1) the amount to be paid by registered importers of qualifying drugs imported by each importer as reported under clause (i) multiplied by

(2) 1.

(ii) Adjustment.—The Secretary shall adjust the fee due on April 1, 2007, from each importer so that the aggregate total of fees collected under subsection (e)(2) for fiscal year 2007 equals the reestimated price of qualifying drugs imported under subsection (a) of such section 804 into the United States by registered importers during fiscal year 2007 as reestimated under clause (i).

(D) ANNUAL REPORT.—(i) Food and Drug Administration.—Beginning with the fiscal year 2007, the Secretary shall report to the Committees on Finance and Governmental Affairs of the Senate and the Committees on Ways and Means and Energy and Commerce of the House of Representatives, and to the Senate and House, the amounts of the fees collected, the total fees collected, and the amount of the fees collected for fiscal year 2007, and shall report such information to the Committees on Finance and Governmental Affairs of the Senate and the Committees on Ways and Means and Energy and Commerce of the House of Representatives, and to the Senate and House, on an annual basis.

(ii) Homeland Security and Control.—Beginning with fiscal year 2006, not later than 180 days after the end of each fiscal year during which proceedings have been completed under section 804 of the Federal Food, Drug, and Cosmetic Act, as added by this section, including information on how to verify whether an export application approved for use of the Internet website of the Food and Drug Administration and the toll-free telephone number required by this title;

(2) that to the extent that such drugs may be counterfeit, unsafe, unsafe, or ineffective; and

(3) with regard to the availability of domestic retail sale of qualifying drugs imported under such section 804 by domestic wholesalers and pharmacies registered with and approved by the Food and Drug Administration.

(b) EFFECT ON ADMINISTRATION PRACTICES.—Notwithstanding any provision of this title (and the amendments made by this title), nothing in this title (or the amendments made by this title) shall be construed to change, limit, or restrict the practices of the Food and Drug Administration or the Bureau of Customs and Border Protection in effect on January 1, 2004, with respect to the enforcement of the provisions of section 806 of the Federal Food, Drug, and Cosmetic Act, as amended by this title, including any pending investigations or civil actions under such section.

(c) DESTRUCTION OF VIOLATIVE SHIPS.—(i) General.—The Secretary shall destroy a shipment of drugs that is imported or offered for import from a registered exporter under section 804, the drugs are in violation of a standard described in section 804(g)(5); or

(ii) the Secretary shall destroy a shipment of drugs delivered by the Secretary of Homeland Security to the Secretary under subsection (a) if—

(1) in the case of drugs that are imported or offered for import from a registered exporter under section 804, the drugs are in violation of a standard referred to in section 801(a) or 801(d).

(4) Certain Procedures.—(i) In General.—The delivery and destruction of drugs under this section may be carried out without notice to the importer, owner, or consignee of the drugs except as required by section 804(d)(2).

(ii) Procedures.—Procedures promulgated under paragraph (1) shall be designed toward the objective of ensuring that, with respect to efficiently utilizing Federal resources available for carrying out this section, a substantial majority of shipments of drugs subject to subsection (c) are identified and destroyed.

(f) RULE OF CONSTRUCTION.—This section may not be construed as having any legal effect on applicable law with respect to a shipment of drugs that is imported or offered for import into the United States and has a declared value equal to or greater than $10,000.

(b) PROCEDURES.—(i) In General.—The delivery and destruction of drugs under this section may be carried out without notice to the importer, owner, or consignee of the drugs except as required by section 804(d)(2).

(ii) Procedures.—Procedures promulgated under paragraph (1) shall be designed toward the objective of ensuring that, with respect to efficiently utilizing Federal resources available for carrying out this section, a substantial majority of shipments of drugs subject to subsection (c) are identified and destroyed.

(C) WHOLESALE DISTRIBUTION OF DRUGS; STATEMENTS REGARDING PRIOR SALE, PURCHASE, OR TRADE.

(1) STRIKING OF EXEMPTIONS; APPLICABILITY TO REGISTERED EXPORTERS.—Section 353e of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(e)) is amended—

(i) in paragraph (1)—

(A) by striking the proviso that the Secretary is not the manufacturer or an authorized distributor of such drug’’;

(B) by striking ‘‘to an authorized distributor of such drug’’;

and

(C) by inserting the following:

(ii) by striking paragraph (1) and inserting the following:

(1) The fact that a drug subject to subsection (c) is exported from the United States does not with respect to such drug exempt any person that is engaged in the business of the wholesale distribution of the drug from satisfying the requirements of paragraph (A) to the person to whom delivery is made under section 353(e).

SEC. 6. WHOLESALE DISTRIBUTION OF DRUGS; STATEMENTS REGARDING PRIOR SALE, PURCHASE, OR TRADE.

(1) STRIKING OF EXEMPTIONS; APPLICABILITY TO REGISTERED EXPORTERS.—Section 353e of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(e)) is amended—

(1) in paragraph (1)—

(A) by striking the proviso that the Secretary is not the manufacturer or an authorized distributor of such drug’’;

(B) by striking ‘‘to an authorized distributor of such drug’’;

and

(C) by inserting the following:

(ii) by striking paragraph (1) and inserting the following:

(1) The fact that a drug subject to subsection (c) is exported from the United States does not with respect to such drug exempt any person that is engaged in the business of the wholesale distribution of the drug from satisfying the requirements of paragraph (A) to the person to whom delivery is made under section 353(e).
“(C)(i) The Secretary shall by regulation establish requirements that supersede subparagraph (A) (referred to in this subparagraph as ‘alternative requirements’) to identify the wholesaler of a drug subject to subsection (b) from the manufacturer of the drug throughout the wholesale distribution of the drug to a pharmacist who intends to sell the drug to a consumer or patient, with no other intervening transactions.

(C) LIMITATION.—The Secretary may make the amendment under subsection (A) with respect to not more than 50 drugs before January 1, 2010.

(4) EFFECT WITH RESPECT TO REGISTERED EXPORTER.—With respect to the prescription drugs described in such subsection (a)(2) shall take effect on the date that is 90 days after the date of enactment of this title.

(b) ALTERNATIVE REQUIREMENTS.—The Secretary shall issue regulations to establish the alternative requirements, referred to in the amendment made by subsection (a)(1), that take effect not later than—

(A) January 1, 2008, with respect to a prescription drug determined under paragraph (3)(A) to be at high risk for being counterfeited; and

(B) January 1, 2010, with respect to all other prescription drugs.

(6) INTERMEDIATE REQUIREMENTS.—With respect to the prescription drugs described under paragraph (5)(B), the Secretary shall by regulation require the use of standardized anti-counterfeiting and track-and-trace technologies on such prescription drugs at the time that the patient or a representative of the patient has knowledge, in the case of prescription drugs dispensed through a wholesaler, that the alternative requirements, referred to in subparagraph (C) did not, when issued for the drug, have such anti-counterfeiting and track-and-trace technologies.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by paragraphs (1) and (3) of subsection (a) and by subsection (b) shall take effect on January 1, 2010.

(2) DRUGS IMPORTED UNDER SECTION 804.—Notwithstanding section 503A the following:

‘‘SEC. 503B. INTERNET SALES OF PRESCRIPTION DRUGS.

(a) REQUIREMENTS REGARDING INFORMATION ON INTERNET SITE.—

(1) IN GENERAL.—A person may not dispense a prescription drug pursuant to a sale of the drug by such person if—

(A) the purchaser of the drug submitted the purchase order for the drug, or conducted any other part of the sales transaction for the drug, through an Internet site; or

(B) the person dispenses the drug to the purchaser by mailing, shipping the drug to the purchaser; and

(C) such site, or any other Internet site pursuant to such communications, the person provided to the patient or the individual represented by the patient, or an individual represented by the patient, or an individual represented by the patient, or an individual represented by the patient, for which the individual is licensed or otherwise authorized by law to provide such consultations or practice medicine, the type or types of health professionals by which the individual holds such licenses or other authorizations.

(3) QUALIFYING MEDICAL RELATIONSHIP.—

(A) IN GENERAL.—With respect to issuing a prescription for a drug for a patient, a practitioner has a qualifying medical relationship with the patient if—

(i) a hospital that has in effect a provider agreement under title XVIII of the Social Security Act (relating to the Medicare program) that provides for the payment of claims by such a hospital, or

(ii) a group practice that has not fewer than 100 physicians who have in effect provider agreements under such title; or

(B) the practitioner conducts a medical evaluation of the patient as a covering practitioner.

(c) IN-PERSON MEDICAL EVALUATION.—A medical evaluation by a practitioner is an in-person medical evaluation for purposes of this section if the practitioner is in the physical presence of the patient as part of conducting the evaluation, without regard to whether portions of the evaluation are conducted by other health professionals.

(d) COVERING PRACTITIONERS.—With respect to a patient, a practitioner is a covering practitioner for purposes of this section if

the name of each individual who serves as a pharmacist for prescription drugs that are mailed or shipped pursuant to the site, and each State in which the individual is authorized by law to dispense prescription drugs.

(4) EFFECT OF THE PROVISION FOR PROVIDING MEDICAL CONSULTATIONS THROUGH THE WEB.—The term ‘provider’ includes a provider who provides medical services through the Internet, other than a place of business that does not mail or ship prescription drugs to purchasers or prospective purchasers; and

(5) A link to which paragraph (1) applies shall be displayed in a clear and prominent place on the Internet site, in the caption for the link the words ‘licensing and contact information’.

(d) INTERNET SALES WITHOUT APPROPRIATE MEDICAL RELATIONSHIPS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person may not dispense a prescription drug, or sell such a drug, if—

(A) for purposes of such dispensing or sale, the purchaser communicated with the person through the Internet;

(B) the patient for whom the drug was dispensed or purchased did not, when such communications were conducted for the drug that is valid in the United States;

(C) the person pursuant to such communications, the person provided for the involvement of a practitioner, or an individual represented by the person as a practitioner, and the practitioner or such individual issued a prescription for the drug that was purchased;

(D) the person knew, or had reason to know, that the practitioner or the individual referred to in the paragraph did not, when issuing the prescription, have a qualifying medical relationship with the patient; and

(E) the person received payment for the dispensing or sale of the drug that was dispensed or purchased.

For purposes of subparagraph (E), payment is received if money or other valuable consideration is received.

(2) EXCEPTIONS.—Paragraph (1) does not apply to—

(A) the dispensing or selling of a prescription drug pursuant to telemedicine practices preceded by—

(i) a hospital that has in effect a provider agreement under title XVIII of the Social Security Act (relating to the Medicare program) that provides for the payment of claims by such a hospital, or

(ii) a group practice that has not fewer than 100 physicians who have in effect provider agreements under such title; or

(B) the practitioner conducts a medical evaluation of the patient as a covering practitioner.

(c) IN-PERSON MEDICAL EVALUATION.—A medical evaluation by a practitioner is an in-person medical evaluation for purposes of this section if the practitioner is in the physical presence of the patient as part of conducting the evaluation, without regard to whether portions of the evaluation are conducted by other health professionals.

(d) COVERING PRACTITIONERS.—With respect to a patient, a practitioner is a covering practitioner for purposes of this section if

...
the practitioner conducts a medical evaluation of the patient at the request of a practitioner who has conducted at least one in-person medical evaluation of the patient and is temporarily unavailable to conduct the evaluation of the patient. A practitioner is a covering without regard to whether the practitioner has conducted any in-person medical evaluation of the patient involved.

(4) RULES OF CONSTRUCTION.—

(A) INDIVIDUALS REPRESENTED AS PRACTITIONERS.—A person who is not a practitioner (as defined in (e)(1)) lacks legal capacity under this section to have a qualifying medical relationship with any patient.

(B) APPLICATION OF STATUTE TO STATE.—Paragraph (1) may not be construed as prohibiting any conduct that is a standard practice in the practice of pharmacy.

(C) OR INQUIRIES.—Paragraph (3) may not be construed as having any applicability beyond this section, and does not affect any State law, or interpret any State law, concerning the practice of medicine.

(D) ACTIONS BY STATES.—

(1) IN GENERAL.—Whenever an attorney general of any State has reason to believe that the interests of the residents of that State have been or are being threatened or damaged because any person engaged or is engaging in a pattern or practice that violates section 301(l), the State may bring a civil action on behalf of its residents in any district court of the United States to enjoin such practice, to enforce compliance with such section (including a nationwide injunction), to obtain damages, restitution, or other compensation on behalf of residents of such State, to obtain reasonable attorneys fees and costs if the State prevails in the civil action, or to obtain such further relief as the court may deem appropriate.

(2) NOTICE.—The State shall serve prior written notice of any civil action under paragraph (1) or (5)(B) upon the Secretary and provide the Secretary with a copy of its complaint, except that if it is not feasible for the State to provide such prior notice, the State shall serve such notice immediately upon instituting such action. Upon receiving a notice respecting a civil action, the Secretary shall take the right action—

(A) to intervene in such action;

(B) upon so intervening, to be heard on all matters arising therein; and

(C) to appeal.

(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall preclude an attorney general from exercising the powers conferred on the attorney general by the laws of such State to conduct investigations or to administer oaths or interrogations or to compel the attendance of witnesses or the production of documentary and other evidence.

(4) VENUE, SERVICE OF PROCESS.—Any civil action brought under paragraph (1) or (5)(B) upon the Secretary may be brought in the district court of the United States in which the defendant is located, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such an action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

(5) ACTIONS BY OTHER STATE OFFICIALS.—

(A) Nothing contained in this section shall prevent any State licensing board, the Attorney General, or the Secretary of State of any State, acting as authorized State officials from proceeding in State court on the basis of an alleged violation of any civil or criminal statute of such State.

(B) Any actions brought by an attorney general of a State under paragraph (1), such an action may be brought by officials of such State who are authorized by the State to bring actions in such State on behalf of its residents.

(6) EFFECT OF SECTION.—This section shall not apply to a person that is a registered exporter under section 804.

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

(1) The term ‘practitioner’ means a practitioner referred to in section 530(b)(1) with respect to issuing a written or oral prescription.

(2) The term ‘prescription drug’ means a drug that is described in section 530(b)(1).

(3) The term ‘qualifying medical relationship’ refers to a medical relationship with any patient, has the meaning indicated for such term in subsection (b).

(i) INTERNET-RELATED DEFINITIONS.

(1) IN GENERAL.—For purposes of this section:

(A) The term ‘Internet’ means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the transmission control protocol/Internet protocol or any predecessor or successor protocol to such protocol, to communicate information of all kinds by wire or radio.

(B) The term ‘site’, with respect to the Internet, means one or more letters, words, numbers, symbols, or graphic items that appear on a page of an Internet site for the purpose of serving, as a method for executing an electronic command—

(i) to move from viewing one portion of a page on such site to another portion of the page;

(ii) to move from viewing one page on such site to another page on such site; or

(iii) to move from viewing a page on one Internet site to a page on another Internet site.

(C) The term ‘page’, with respect to the Internet, means a document or other file accessed at an Internet site.

(D) The terms ‘site’ and ‘address’, with respect to the Internet, mean a specific location on the Internet that is determined by Internet Protocol numbers. Such term includes the domain name, if any.

(ii) The term ‘domain name’ means a method of referencing an Internet address without direct reference to the Internet Protocol numbers for the address, including methods that use designations such as ‘.com’, ‘.edu’, or ‘.org’.

(iii) The term ‘Internet Protocol numbers’ includes any successor protocol for determining a specific location on the Internet.

(2) AUTHORITY OF SECRETARY.—The Secretary may by regulation modify any definition under paragraph (1) to take into account changes in technology.

(g) RESTRICTED TRANSACTIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall take into consideration the practices and procedures of State pharmacy licensing boards and State pharmacy boards and the Attorney General and the Secretary, for further investigation; and

(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there is authorized to be appropriated $100,000 for each of the fiscal years 2005 through 2007.

(h) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect 90 days after the date of enactment of this title without regard to any mandatory rule to implement such amendments was promulgated by the Secretary of Health and Human Services under section 701(a) of the Federal Food, Drug, and Cosmetic Act. The preceding sentence may not be construed as affecting the authority of such Secretary to promulgate such a mandatory rule.

8. PROHIBITING PAYMENTS TO UNREGISTERED FOREIGN PHARMACIES.

(a) IN GENERAL.—Section 303 of the Federal Food, Drug, and Cosmetic Act (31 U.S.C. 333) is amended by adding at the end the following:

(5) RESTRICTED TRANSACTIONS.—

(i) IN GENERAL.—The introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system is prohibited.

(ii) PAYMENT SYSTEM.—

(A) IN GENERAL.—The term ‘payment system’ means a system used by a person described in subparagraph (B) to effect a credit transaction, electronic fund transfer, or money transmitting service that may be used in connection with, or to facilitate, a restricted transaction. The term includes—

(i) a credit card system;

(ii) an international, national, regional, or local network used to effect a credit transaction, an electronic fund transfer, or a money transmitting service; and

(iii) any other system that is centrally managed and is primarily used in the transmission and settlement of credit transactions, electronic fund transfers, or money transmitting services.

(B) PERSONS DESCRIBED.—A person referred to in subparagraph (A) is—

(i) a creditor;

(ii) a credit card issuer;

(iii) a financial institution; and

(iv) an operator of a terminal at which an electronic fund transfer may be initiated;
“(v) a money transmitting business; or

“(vi) a participant in an international, national, regional, or local network used to effect a credit transaction, electronic fund transfer, or a money transmitting service;”

“(3) RESTRICTED TRANSACTION.—The term ‘restricted transaction’ means a transaction or goodwill, on behalf of an individual who purchases a drug importation request or to any person engaged in the operation of an unregistered foreign pharmacy, of—

“(A) credit, or the proceeds of credit, extended on behalf of the individual for the purpose of the unlawful drug importation request; or

“(B) an electronic fund transfer or funds transmitted by or through a money transmitting business, or the proceeds of an electronic fund transfer, or a money transmitting service, from or on behalf of the individual for the purpose of the unlawful drug importation request; or

“(C) a check, draft, or similar instrument which is drawn on or behalf of the individual for the purpose of the unlawful drug importation request and is drawn on or payable to or through any financial institution; or

“(D) the proceeds of any other form of financial transaction (identified by the Board by rules promulgated under subparagraph (A) or by a financial institution as a payor or financial intermediary on behalf of or for the benefit of the individual for the purpose of the unlawful drug importation request);”

“(4) UNLAWFUL DRUG IMPORTATION REQUEST.—The term ‘unlawful drug importation request’ means the request, or transmission of a request, made to an unregistered foreign pharmacy for a prescription drug by mail (including a private carrier), facsimile, telephone, electronic mail, or any other means that involves the use, in whole or in part, of the Internet.

“(5) UNREGISTERED FOREIGN PHARMACY.—The term ‘unregistered foreign pharmacy’ means a person in a country other than the United States that is not a registered export under section 804.

“(6) OTHER DEFINITIONS.—

“‘(A) CREDIT; CREDITOR; CREDIT CARD.—The terms ‘credit’, ‘creditor’, and ‘credit card’ have the meanings given the terms in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

“‘(B) ACCESS DEVICE; ELECTRONIC FUND TRANSFER.—The terms ‘access device’ and ‘electronic fund transfer’—

“(i) have the meanings given in section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a); and

“(ii) include types of policies and procedures, including nonexclusive examples, that shall be required to be reasonably designed to prevent the introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system, or a money transmitting business;”

“(B) REQUIREMENTS FOR POLICIES AND PROCEDURES.—In promulgating regulations under subparagraph (A), the Board shall—

“(1) identify types of policies and procedures, including nonexclusive examples, that shall be required to be reasonably designed to prevent the introduction of restricted transactions into a payment system or the completion of restricted transactions using a payment system, or a money transmitting business;”

“(2) to establish policies and procedures that are reasonably designed to prevent the introduction of a restricted transaction into a payment system, or the completion of a restricted transaction using a payment system, or a money transmitting business, the introduction or completion of restricted transactions;”

“(3) NO LIABILITY FOR BLOCKING OR REFUSING TO HONOR RESTRICTED TRANSACTION.—

“(1) IN GENERAL.—A payment system, or a person described in paragraph (2)(B) that is subject to a regulation issued under this subsection, must adopt policies and procedures reasonably designed to comply with any regulations required under paragraph (7) within 60 days after such regulations are issued in final form.

“(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the day that is 90 days after the date of enactment of this title.

“5. IMPORTATION EXEMPTION UNDER CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

“Section 1006(a)(2) of the Controlled Substances Import and Export Act (21 U.S.C. 956(a)(2)) is amended by striking ‘‘not import controlled substances’’ and inserting ‘‘import into the United States not more than 10 dosage units combined of all such controlled substances’’.

“SA 1533. Mr. MARTINEZ (for himself and Mr. Nelson of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SENATE REGARDING OIL AND GAS EXPLORATION ON MILITARY OPERATIONS

(A) FINDINGS.—The Senate finds the following:

(1) Whereas the U.S. Air Force and Navy conduct vital and critical national security preparedness missions in the Eastern Gulf of Mexico,

(2) Whereas the U.S. Air Force and Navy have had to move their live-fire training operations from Vieques Island to the Eastern Gulf of Mexico, and

(3) Whereas these training operations are critical for the battle-preparedness of the U.S. military,

(4) Whereas the training areas for these live-fire missions are restricted to an increasingly limited area,

(5) Whereas a oil and gas exploration operations in the vicinity of U.S. military training operations poses a risk to human life and
an accident could threaten and impact coastal communities and beaches.

(6) Where as military personnel have expressed concerns with oil and gas exploration and could not interfere with the training missions and operations of the Department of Defense.

(B) THE SENSE OF THE SENATE.—It is the sense of the Senate that oil and gas exploration should not interfere with the training missions and operations of the Department of Defense.

SA 1534. Mr. DeWINE (for himself, Mr. BIDEN, and 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:

On page 296, between lines 7 and 8, insert the following:

SEC. 1073. EXPANSION OF EMERGENCY SERVICES UNDER RECIPROCAL AGREEMENTS.

Subsection (c)(1) of section 8(b) of the Act of May 27, 1955 (69 Stat. 66, chapter 105; 42 U.S.C. 136(b)) is amended by striking “and fire fighting” and inserting “, fire fighting and emergency services, including basic and advanced life support, hazardous material containment and confinement, and special rescue events involving vehicular and water rescues, and trench, building, and confined space extractions”.

SA 1535. Ms. SNOWE 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 213, between lines 2 and 3, insert the following:

SEC. 807. MODIFICATION OF LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.

Section 804(a)(2) of the Department of Defense Appropriations Act, 2005 (Public law 108–287; 118 Stat. 797) is amended—

(1) in subparagraph (A), by inserting “, payment that could be used in lieu of such a plan, health savings account, or medical savings account” after “health insurance plan”;

and

(2) in subparagraph (B), by inserting “that requires” and all that follows through the end of the subparagraph and inserting “that does not comply with the requirements of any Federal law governing the provision of health care benefits by Government contractors that would be applicable if the contractor performed the activity or function under the contract.”.

SA 1536. Ms. SNOWE 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 220, strike lines 1 through 3, and insert the following:

(1) COMMERCIALIZATION PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense and each Secretary of a military department, until September 30, 2008, shall create and administer a pilot program to accelerate the transition of technologies, products, and services developed under the Small Business Innovation Research Act (15 U.S.C. 638) and the Small Business Technology Transfer Program to Phase III of the applicable program.

(2) FUNDING.—For purposes of the pilot program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department to carry out the Small Business Innovation Research Program and the Small Business Technology Transfer Program under subsections (f) and (n) of section 9 of the Small Business Act (15 U.S.C. 638).

(3) EXEMPTION.—The pilot program authorized by this subsection shall not be subject to the limitations on the use of funds in subsections (f)(2) and (n)(2) of section 9 of the Small Business Act (15 U.S.C. 638).

(4) REPORTS.—

(A) IN GENERAL.—Once the Secretary of Defense or the Secretary of a military department creates a pilot program under this subsection, such Secretary shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives at the end of each fiscal year a report regarding the activities under the pilot program during the preceding year.

(B) CONTENTS.—Each report under subparagraph (A) shall include, for the year covered by such report—

(i) an accounting of the funds used in any pilot program;

(ii) a detailed description of the pilot program; and

(iii) a detailed compilation of results achieved by such pilot program in terms of businesses assisted and the number of inventions transitioned.

(1) AWARD INFLATION ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (i)(2)(D),—

(A) by striking “an increase to $100,000” and inserting the following: “a process to—

(i) make an increase to $100,000”; and

(B) by striking “every 5 years” and inserting the following: “under section 35A of the Office of Federal Procurement Policy Act (41 U.S.C. 431a)”;

and

(C) by adding at the end the following:

“(4) TESTING AND EVALUATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary of Defense or the Secretary of a military department creates a pilot program under this subsection, such Secretary shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives at the end of each fiscal year a report regarding the activities under the pilot program during the preceding year.

(B) CONTENTS.—Each report under subparagraph (A) shall include, for the year covered by such report—

(i) an accounting of the funds used in any pilot program;

(ii) a detailed description of the pilot program; and

(iii) a detailed compilation of results achieved by such pilot program in terms of small business concerns participating in the Small Business Innovation Research and Small Business Technology Transfer Programs in accordance with requirements for such programs under this Act.

(b) TESTING AND EVALUATION AUTHORITY.—

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

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

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

and

(3) by adding at the end the following:

“(9) the term ‘commercial applications’ includes testing and evaluation of products, services, or technologies for use in technical weapons systems.”.

(1) SMALL BUSINESS INNOVATION RESEARCH PROGRAM DEFINED.—In this section, the term “Small Business Innovation Research Program” has the meaning

SA 1537. Ms. SNOWE 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 220, strike lines 1 through 3, and insert the following:

(1) COMMERCIALIZATION PILOT PROGRAM.—

(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department, until September 30, 2008, is authorized to create and administer a pilot program to accelerate the transition of technologies, products, and services developed under the Small Business Innovation Research Act (15 U.S.C. 638) and the Small Business Technology Transfer Program to Phase III of the applicable program.

(2) FUNDING.—For purposes of the pilot program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department to carry out the Small Business Innovation Research Program and the Small Business Technology Transfer Program to Phase III of the applicable program.

(3) EXEMPTION.—The pilot program authorized by this subsection shall not be subject to the limitations on the use of funds in subsections (f)(2) and (n)(2) of section 9 of the Small Business Act (15 U.S.C. 638).

(4) REPORTS.—

(A) IN GENERAL.—Once the Secretary of Defense or the Secretary of a military department creates a pilot program under this subsection, such Secretary shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives at the end of each fiscal year a report regarding the activities under the pilot program during the preceding year.

(B) CONTENTS.—Each report under subparagraph (A) shall include, for the year covered by such report—

(i) an accounting of the funds used in any pilot program;

(ii) a detailed description of the pilot program; and

(iii) a detailed compilation of results achieved by such pilot program in terms of businesses assisted and the number of inventions transitioned.

(1) AWARD INFLATION ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (i)(2)(D),—

(A) by striking “an increase to $100,000” and inserting the following: “a process to—

(i) make an increase to $100,000”; and

(B) by striking “every 5 years” and inserting the following: “under section 35A of the Office of Federal Procurement Policy Act (41 U.S.C. 431a)”;

and

(C) by adding at the end the following:

“(4) TESTING AND EVALUATION AUTHORITY.—

(1) IN GENERAL.—If the Secretary of Defense or the Secretary of a military department creates a pilot program under this subsection, such Secretary shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives at the end of each fiscal year a report regarding the activities under the pilot program during the preceding year.

(B) CONTENTS.—Each report under subparagraph (A) shall include, for the year covered by such report—

(i) an accounting of the funds used in any pilot program;

(ii) a detailed description of the pilot program; and

(iii) a detailed compilation of results achieved by such pilot program in terms of small business concerns participating in the Small Business Innovation Research and Small Business Technology Transfer Programs in accordance with requirements for such programs under this Act.

(b) TESTING AND EVALUATION AUTHORITY.—

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

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

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

and

(3) by adding at the end the following:

“(9) the term ‘commercial applications’ includes testing and evaluation of products, services, or technologies for use in technical weapons systems.”.

(1) SMALL BUSINESS INNOVATION RESEARCH PROGRAM DEFINED.—In this section, the term “Small Business Innovation Research Program” has the meaning
June 25, 2005
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businesses assisted and the number of inventions transitioned.

(a) AUTHORIZATION.—Section

9 of the Small Business Act (15 U.S.C. 380) is amended—

(1) in subsection (b)(2)(D)—

(A) by striking "an increase to $100,000" and inserting the following: "a process to—"

(ii) permit the head of an agency to further adjust the amount of funds an agency may provide in the first and second phase of an SBIR program;"; and

(B) by striking "once every 5 years" and inserting the following: "(ii) the term ‘military and security forces’ includes testing and evaluation of products, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

SEC. 846. SMALL BUSINESS CONTRACTING IN PARTNERSHIP SECURITY PROGRAMS.

(a) CONGRESSIONAL FINDINGS AND REAFFIRMATION OF EXISTING POLICY.—

(1) FINDINGS.—Congress finds that—

(A) small business contracting in support of overseas activities of the Federal Government strengthens the trade posture of the United States in the global marketplace;

(B) small business contractors are a vital component of the civilian industrial base, and they have provided outstanding value in support of the activities of the Federal Government domestically and internationally, especially in the international reconstruction, stabilization, and assistance activities in the Global War on Terror;

(C) maintaining a vital small business industrial base protects the Federal Government from higher costs and reduced innovation that accompany undue consolidation of Government contracts;

(D) Congress has a strong interest in preserving the competitive nature of the Government contracting marketplace, particularly with regard to performance of Federal contracts and subcontracts overseas;

(E) small business contractors suffer competitive harm and the Federal Government is unable to utilize partnership security capacity provided by the Department of Defense to the Department of State, or to any other federal agency. Any funds so transferred shall remain available until expended. The amount of such partnership security capacity building provided by the Department of Defense under this section may not exceed $750,000,000 in any one fiscal year;

(f) CONGRESSIONAL REPORT.—Before building partnership security capacity under this section, the Secretary of State and the Secretary of Defense shall submit to their congressional oversight committees a notification of the nations designated by the President with which partnership security capacity will be built under this section, the nature and amounts of security capacity building to occur. Any such notification shall be building, submitted not less than 7 days before the provision of such partnership security capacity building;

(g) MILITARY AND SECURITY FORCES DEFINED.—For purposes of this section, the term ‘military and security forces’ includes armies, guard, border security, civil defense, infrastructure protection, and police forces;

(h) TERMINATION OF PROGRAM.—Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: "and shall terminate on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006".

SEC. 8539. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for military and security forces of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

SEC. . BUILDING THE PARTNERSHIP SECURITY CAPACITY OF MANDATORY MILITARY AND SECURITY FORCES.

(a) AUTHORITY.—The President may authorize building the capacity of partner nations’ military and security forces to disrupt or destroy terrorist networks, close safe havens, or participate in or support United States, coalition, or international military or stability operations.

(b) TYPES OF PARTNERSHIP SECURITY CAPACITY BUILDING.—The partnership security capacity building authorized under subsection (a) may include the provision of equipment, supplies, services, training, and funding.

(c) AVAILABILITY OF FUNDS.—The Secretary of Defense may, with the concurrence of the Secretary of State, implement partnership security capacity building as authorized under subsection (a) including by transferring funds available to the Department of Defense to the Department of State, or to any other federal agency. Any funds so transferred shall remain available until expended. The amount of such partnership security capacity building provided by the Department of Defense under this section may not exceed $750,000,000 in any one fiscal year.

(d) CONGRESSIONAL NOTIFICATION.—Before building partnership security capacity under this section, the Secretaries of State and Defense shall submit to their congressional oversight committees a notification of the nations designated by the President with which partnership security capacity will be built under this section, the nature and amounts of security capacity building to occur. Any such notification shall be building, submitted not less than 7 days before the provision of such partnership security capacity building;

SEC. 846. SMALL BUSINESS CONTRACTING IN PARTNERSHIP SECURITY PROGRAMS.

(a) CONGRESSIONAL FINDINGS AND REAFFIRMATION OF EXISTING POLICY.—

(1) FINDINGS.—Congress finds that—

(A) small business contracting in support of overseas activities of the Federal Government strengthens the trade posture of the United States in the global marketplace;

(B) small business contractors are a vital component of the civilian industrial base, and they have provided outstanding value in support of the activities of the Federal Government domestically and internationally, especially in the international reconstruction, stabilization, and assistance activities in the Global War on Terror;

(C) maintaining a vital small business industrial base protects the Federal Government from higher costs and reduced innovation that accompany undue consolidation of Government contracts;

(D) Congress has a strong interest in preserving the competitive nature of the Government contracting marketplace, particularly with regard to performance of Federal contracts and subcontracts overseas;

(E) small business contractors suffer competitive harm and the Federal Government is unable to utilize partnership security capacity provided by the Department of Defense to the Department of State, or to any other federal agency. Any funds so transferred shall remain available until expended. The amount of such partnership security capacity building provided by the Department of Defense under this section may not exceed $750,000,000 in any one fiscal year;

(f) CONGRESSIONAL REPORT.—Before building partnership security capacity under this section, the Secretary of State and the Secretary of Defense shall submit to their congressional oversight committees a notification of the nations designated by the President with which partnership security capacity will be built under this section, the nature and amounts of security capacity building to occur. Any such notification shall be building, submitted not less than 7 days before the provision of such partnership security capacity building;

(g) MILITARY AND SECURITY FORCES DEFINED.—For purposes of this section, the term ‘military and security forces’ includes armies, guard, border security, civil defense, infrastructure protection, and police forces;

(h) TERMINATION OF PROGRAM.—Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: "and shall terminate on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006".

SEC. 8539. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for military and security forces 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:

SEC. 846. SMALL BUSINESS CONTRACTING IN PARTNERSHIP SECURITY PROGRAMS.

(a) CONGRESSIONAL FINDINGS AND REAFFIRMATION OF EXISTING POLICY.—

(1) FINDINGS.—Congress finds that—

(A) small business contracting in support of overseas activities of the Federal Government strengthens the trade posture of the United States in the global marketplace;

(B) small business contractors are a vital component of the civilian industrial base, and they have provided outstanding value in support of the activities of the Federal Government domestically and internationally, especially in the international reconstruction, stabilization, and assistance activities in the Global War on Terror;

(C) maintaining a vital small business industrial base protects the Federal Government from higher costs and reduced innovation that accompany undue consolidation of Government contracts;

(D) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(E) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(F) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(G) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(H) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(I) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(J) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(K) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(L) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(M) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(N) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(O) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(P) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(Q) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(R) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(S) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(T) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(U) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(V) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(W) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(X) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(Y) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;

(Z) Congress has a strong interest in holding large prime contractors accountable for fulfilling their subcontracting plans on over- seas assistance and reconstruction projects;
compliance with the Small Business Act in Federal prime contracts and subcontracts, regardless of the geographic place of award or performance, and shall promulgate any necessary conforming changes to such regulations.

(c) Cooperation With the Small Business Administration.—The Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall be consulted for recommendations concerning regulatory reviews and changes required by such reviews.

(d) Conspicuous Provisions of Law.—In conducting any regulatory review or promulgation required by a review note and recognition shall be given to the specific requirements and procedures of any other Federal statute or treaty which may exempt any Federal prime contract or subcontract from the application of the small Business Act in whole or in part.

(e) Report to Congressional Committees.—Not later than 1 year after the date of enactment of this Act, the Administrator and the Chief Counsel for Advocacy of the Small Business Administration shall submit to the Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the activities of Federal agencies, and departments in carrying out this section.

SA 1541. Ms. SNOWE (for herself and Mr. KERRY) 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:

SEC. 846. BATTLEFIELD SMALL BUSINESS CONTRACTORS.—

(a) Findings and Reaffirmations of Congressional Policy.—

(1) Findings.—Congress finds that—

(A) multiple-award contracts have increased administrative efficiency in Government procurement;

(B) at the same time, small businesses and firms new to Government contracting have experienced problems with transparency and fairness in gaining access to multiple-award contracts;

(C) data presented before the Acquisition Advisory Panel for the Office of Federal Procurement Policy indicates that the small business share of sales under the Federal Supply Schedules amounts to less than half of the small business share of Federal Supply Schedule contracts;

(D) Federal contracting officials incorrectly persist in limiting competition under the Federal Supply Schedule acquisitions to no more than 3 bidders; and

(E) the small business reservation and greater notice requirements will promote greater and fairer access to multiple-award contracts;

(2) Congressional Policy.—

(A) in general.—Congress reaffirms its policy stated in section 15(j) of the Small Business Act (15 U.S.C. 644(j)), to provide a small business reservation for all contracts below the simplified acquisition threshold, specifically including Federal Supply Schedule contracts and multi-agency contracts;

(B) multiple-award contracts.—Congress favors increasing competition in the use of multiple-award contracts by civilian agencies, as was previously increased for defense agencies in section 803 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2304 note);

(b) small business participation assurances.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended—

(1) in paragraph (1), by striking ‘‘(2) In carrying out paragraph (1)’’ and inserting the following:

‘‘(3) In carrying out paragraphs (1) and (2):’’;

(2) in paragraph (3), by striking ‘‘(3) Nothing in paragraph (1)’’ and inserting ‘‘(4) Nothing in paragraphs (1) and (3) by inserting after paragraph (1) the following:

‘‘(2)(A) In the case of orders under multiple-award contracts, including Federal Supply Schedule contracts and multi-agency contracts, contracting officers shall consider not fewer than 2 small business concerns, if such small business concerns can offer the items sought by the contracting officer on terms that are competitive with respect to price, quality, and delivery schedule with the goods or services otherwise available in the market.

‘‘(B) If only 1 small business concern can satisfy the requirement, the contracting officer shall consider such small business concern in awarding the contract.’’;

(c) Competition Requirement for Purchase of Services Assigned to Multiple-Award Contracts.—Not later than 180 days after the date of enactment of this Act, the Federal Acquisition Regulation shall be amended to promote competition in multiple-award contracts by civilian agencies on the same terms as are applicable to the Department of Defense and defense agencies pursuant to section 803 of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2304 note);

(d) Report Requirement.—

(1) in general.—Not less frequently than once every 180 days, the Administrator of the Small Business Administration shall submit to the Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the level of participation of small business concerns working under Federal contracts or subcontracts in a qualified area.

(2) Definition.—In this subsection, the term ‘‘qualified area’’ means—

‘‘(A) Iraq;

‘‘(B) Afghanistan, and

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

SA 1543. Mr. DOMENICI (for himself and 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 237, after line 17, insert the following:

SEC. 3. In the Small Business Act (15 U.S.C. 632) is amended by adding at the end:

‘‘(8) BATTLEFIELD SMALL BUSINESS CONTRACTORS.—

In general.—The Administrator shall—

‘‘(A) not later than 60 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2006, submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives concerning the desirability and feasibility of providing any other small business contracts exempted for small business concerns working under Federal contracts or subcontracts in a qualified area.

‘‘(B) not later than 90 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2006, submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives concerning the desirability and feasibility of providing any other small business contracts exempted for small business concerns working under Federal contracts or subcontracts in a qualified area.

SA 1544. Mr. DOMENICI (for himself and 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 B of title II, add the following:
SEC. 213. LONG WAVELENGTH ARRAY LOW FREQUENCY RADIO ASTRONOMY INSTRUMENTS.
(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—
The amount authorized to be appropriated by section 301(2) for research, development, test, and evaluation for the Navy is hereby increased by $6,000,000.
(b) AVAILABILITY OF AMOUNT.—
(1) IN GENERAL.—The amount authorized to be appropriated by section 301(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $6,000,000, shall be available for research and development on Long Wavelength Array low frequency radio astronomy instruments.
(2) CONSTRUCTION WITH OTHER AMOUNTS.—The amount authorized by paragraph (1) for the purpose set forth in that paragraph is in addition to any other amounts available under this Act for that purpose.
(c) ORRAN.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Navy is hereby reduced by $6,000,000.

SA 1545. Mr. DOMENICI 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. TRAINING SUPPORT EQUIPMENT FOR THE MARINE CORPS RESERVE.
(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, MARINE CORPS.—The amount authorized to be appropriated by section 301(3) for operation and maintenance for the Marine Corps is hereby increased by $20,379,000.

SA 1546. Mr. DOMENICI (for himself, Mrs. HUTCHISON, and 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 A of title V, add the following:

SEC. 509. RETIRED RANK OF VICE ADMIRAL FOR CHIEF OF NAVAL RESEARCH AFTER CERTAIN YEARS OF SERVICE IN POSITION.
Section 502(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(d) An officer who is retired after completing service as Chief of Naval Research and serving in such position in the grade of rear admiral (upper half) may, at the discretion of the President, be retired with the rank and grade of vice admiral. If so retired in the grade of vice admiral, the officer is entitled to the retired pay of that grade, unless entitled to higher pay under another provision of law.".

SA 1547. Ms. LANDRIEU 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 G of title X, insert the following:

SEC. 1072. PILOT PROGRAMS FOR USE OF LEAVE BY SPOUSES OF INDIVIDUALS PERFORMING NATIONAL GUARD OR RESERVE SERVICE.
(a) SHORT TITLE.—This section may be cited as the "National Guard and Reserve Service Leave Act of 2005".
(b) FEDERAL EMPLOYERS PROGRAM.—
(1) DEFINITIONS.—In this subsection:
(A) Agency.—The term "agency" means an Executive agency that employs an employee.
(B) Covered Period of Service.—The term "covered period of service" means any period of service performed by the spouse of an employee while that spouse—
(i) is a member of a reserve component of the Armed Forces as described under section 10101 of title 10, United States Code; and
(ii) is serving on active duty in the Armed Forces in support of a contingency operation as defined under section 10101(a)(10) of title 10, United States Code.
(C) Employee.—The term "employee" has the meaning given under section 5301 of title 5, United States Code.
(D) Executive Agency.—The term "Executive agency" has the meaning given under section 105 of title 5, United States Code.
(E) ESTABLISHMENT OF PROGRAM.—The Office of Personnel Management shall establish a pilot program to authorize an employee to—
(i) use any sick leave of that employee during a covered period of service in the same manner and to the same extent as annual leave is used; and
(ii) use any leave available to that employee under subchapter III or IV of chapter 63 of title 5, United States Code, during a covered period of service as though that covered period of service is a medical emergency.
(F) AGENCY PARTICIPATION.—Agencies may agree to participate in the pilot program described in this subsection. The Office of Personnel Management may treat any office or other organizational entity within an agency as an agency under this subsection.
(G) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out this subsection.
(H) TERMINATION.—The pilot program under this subsection shall terminate on December 31, 2007.
(I) VOLUNTARY PRIVATE SECTOR LEAVE PROGRAM.—
(2) PROCUREMENT OF OTHER UPGRADES TO PREDATOR MQ–1 GROUND CONTROL STATIONS, SPARES, AND SIGNALS INTELLIGENCE PACKAGES.
(3) PROCUREMENT OF OTHER UPGRADES TO PREDATOR MQ–1 GROUND CONTROL STATIONS, SPARES, AND SIGNALS INTELLIGENCE PACKAGES.

SEC. 1405A. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS FOR IRAQ FREEDOM FUND.
The amount authorized to be appropriated for fiscal year 2006 for the Iraq Freedom Fund is the amount specified by section 1409(a) of this Act, reduced by $218,500,000.

SA 1549. Mr. JEFFORDS 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, insert the following:
DIVISION D—CERTAIN Mergers, Acquisitions, and Takeovers

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<th>SECTION</th>
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<td>SEC. 4010. DEFENSE PRODUCTION ACT.</td>
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(a) IN GENERAL.—Section 721 of the Defense Production Act (50 U.S.C. App. 2170) is amended—

(1) by redesigning subsections (g) and (h) as subsections (1) and (2), respectively, and

(2) by inserting after subsection (f) the following:

"(g) NOTIFICATION AND INVESTIGATION.—"

"(1) NOTIFICATION.—"

"(A) IN GENERAL.—Any entity described in subparagraph (B) shall notify the President at least 60 days before a proposed merger, acquisition, or takeover described in subparagraph (B)(ii)."

"(B) ENTITY DESCRIBED.—An entity described in this subparagraph is an entity that—"

"(i) is controlled by, or acting on behalf of, a foreign government; and"

"(ii) seeks to engage in a merger, acquisition, or takeover of a United States entity that has energy assets valued at $1,000,000,000 or more, that could result in control of a person engaged in interstate commerce in the United States that could affect the national security of the United States."

"(2) INVESTIGATION.—A mandatory investiga- tion under subsection (b) shall be required in the case of a merger, acquisition, or takeover described in paragraph (1)(B)(ii) by an entity described in paragraph (1)(B)."

(b) PRESIDENT’S DESIGNEE DEFINED.—In this section, the term ‘President’s designee’ means the Secretary of Commerce, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, the Secretary of the Treasury, the Attorney General, the Director of National Intelligence, and appropriate employees of the Executive Office of the President.

(c) NOTIFICATION.—Section 721(i) of the Defense Production Act (50 U.S.C. App. 2170), as redesignated by subsection (a)(1), is amended—

(1) by striking “The President” and inserting “(1) REPORT ON ACTION.—The President”; and

(2) by adding at the end the following:

"(2) REPORT ON NOTIFICATION.—The Presi- dent shall immediately transmit to the Secretary of the Senate and the Clerk of the House of Representatives, the Secretary of State, and the Secretary of the Treasury, the Attorney General, the Director of National Intelligence, and appropriate employees of the Executive Office of the President a copy of any notification described in subsection (b) or (g)."

"(3) POLICY TO BE CONSIDERED.—Section 721(f) of the Defense Production Act (50 U.S.C. App. 2170(f)) is amended—"

(1) by striking “and” at end of paragraph (4); and

(2) by striking the period at the end of paragraph (5) and inserting “; and”;

(3) by adding at the end the following:

"(6) the robustness and exploiting defense capa- bilities in the country in which the acquiring entity is located; and"

"(7) the nature of the bilateral relationship with the country in which the acquiring entity is located.”

SEC. 1552. Mrs. LINCOLN submitted an amendment intended to be proposed by the President 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, add the following:

"(7) the nature of the bilateral relationship with the country in which the acquiring entity is located.”

SEC. 1551. Mr. BAYH submitted an amendment intended to be proposed by the President 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, add the following:

"(7) the nature of the bilateral relationship with the country in which the acquiring entity is located.”

SEC. 1550. 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 48, line 21, strike "$18,581,369,000" and insert "$18,581,369,000".

At the appropriate place, insert the following:

At the end, add the following:

"(7) the nature of the bilateral relationship with the country in which the acquiring entity is located.”

SEC. 1551. 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:

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At the end, add the following:

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On page 48, line 21, strike "$18,581,369,000" and insert "$18,581,369,000".

At the appropriate place, insert the following:

At the end, add the following:

"(7) the nature of the bilateral relationship with the country in which the acquiring entity is located.”

SEC. 1551. 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, add the following:

"(7) the nature of the bilateral relationship with the country in which the acquiring entity is located.”

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At the end, add the following:

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On page 48, line 21, strike "$18,581,369,000" and insert "$18,581,369,000".

At the appropriate place, insert the following:

At the end, add the following:

"(7) the nature of the bilateral relationship with the country in which the acquiring entity is located.”

SEC. 1551. 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, add the following:

"(7) the nature of the bilateral relationship with the country in which the acquiring entity is located.”

SEC. 1552. Mrs. LINCOLN submitted an amendment intended to be proposed by the President to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:
At the appropriate place, insert the following:

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

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

(1) In a potential nuclear crisis it is important that the nuclear weapons systems of the United States be configured so as to discourage other nations from making a first strike, and to make it more difficult for terrorists seeking to build a nuclear weapon, and also the easiest step for the United States and friendly nations to stop, making control over fissile material and best use of defense for preventing terrorist groups from using nuclear weapons.

(2) The Commissioner of Social Security shall ensure that any such notice which is a notice of a decision regarding an application for benefits under this title, or a notice of an adjustment to benefits paid under this title, includes the following statement:

"If you are a veteran, you may be eligible for comprehensive health benefits (hospital care, outpatient services, prescription medications, and more) from the Department of Veterans Affairs (VA). For more information on eligibility, benefits, co-payments, and VA health care facilities, please call the VA, toll-free, at 1-877-222-VETS (8838)."

(b) STATEMENT OF UNITED STATES POLICY.—Section 1306. COMPREHENSIVE STRATEGY FOR SECURIT Y AND ACCOUNTABILITY OF WEAPONS-USA BLE NUCLEAR MATERIALS OF THE FORMER SOVIET UNION.

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

(1) On September 30, 2004, President George W. Bush stated that "the biggest threat facing this country is weapons of mass destruction in the hands of a terrorist network." 

(2) In a joint statement with President of Russia Vladimir Putin on February 24, 2005, President George W. Bush further noted that "the United States has accompanied its efforts to improve the security of nuclear weapons and fissile material, in order to ensure that there is no possibility such weapons or materials would fall into terrorist hands." 

(3) When the Soviet Union disintegrated, it left behind an estimated 30,000 nuclear warheads, as well as sufficient plutonium and highly enriched uranium to produce more than 40,000 additional weapons. Most of this material is not secure and is therefore vulnerable to theft by potential terrorists. 

(4) In 1991, the United States adopted the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note; commonly referred to as "Nunn-Lugar") to address this threat. Among other things, Congress has called for a "maximum effort" was required to keep nuclear weapons and fissile material out of terrorist hands.

(5) Securing only a portion of the loose nuclear material is insufficient because terrorists seeking nuclear weapons materials will likely seek out the worst defended site.

(6) A new report published by the Project on Managing the Atom of Harvard University, entitled "Securing the Bomb 2005", concluded that "a dramatic acceleration in needed to keep nuclear weapons and fissile material out of terrorist hands.

(7) When the Soviet Union disintegrated, it left behind an estimated 30,000 nuclear warheads, as well as sufficient plutonium and highly enriched uranium to produce more than 40,000 additional weapons. Most of this material is not secure and is therefore vulnerable to theft by potential terrorists. 

(8) In 1991, the United States adopted the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102-228; 22 U.S.C. 2551 note; commonly referred to as "Nunn-Lugar") to address this threat. Among other things, Congress has called for a "maximum effort" was required to keep nuclear weapons and fissile material out of terrorist hands.

(9) In January 2001, a bipartisan task force chaired by Howard Baker, former Majority Leader of the Senate and Lloyd Butler, former White House counsel, concluded that "the most urgent, unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation states, or exchanged against arms, troops abroad or citizens at home," and recommended investing $30,000,000,000 over 10 years on Department of Energy programs to secure nuclear material. The pace of spending since then on all nonproliferation and threat reduction programs in the former Soviet Union has been only about $1,000,000,000 per year.

(10) Many reports, including the report referred to in paragraph (14), have called for a single, strategic plan to secure nuclear material in the former Soviet Union, but none has yet been produced.

(11) The urgency for this work is demonstrated by the fact that customs officials in Russia reported 200 potential attempts to smuggle nuclear or radiological materials out of Russia in 2004.
(17) While an increasing number of nuclear sites in Russia have been secured, the remaining unsecured sites include several very sensitive locations that hold vast stocks of nuclear and other strategic materials.

(18) Concentrated attention to these sensitive sites is required, including an effort to increase the seriousness with which the Government of Russia, in the public interest, views the problem, in order to help overcome remaining issues of access, liability, and location of Russian resources which have long slowed progress on the objectives of the Soviet Nuclear Threat Reduction Act of 1991.

(19) The horrific terrorist attack on schoolchildren in Beslan may help to rally the public in Russia to problems of terrorism, including nuclear terrorism, making United States support for these efforts all the more crucial at this time.

(20) Eliminating onerous certification requirements for cooperative threat reduction programs with Russia, or providing permanent authority to waive those requirements on an annual basis, could significantly accelerate the pace of efforts to secure loose nuclear material and warheads.

(21) Recent developments with the G-8 Global Partnership and the Global Threat Reduction Initiative, as well as funding increases included in the fiscal year 2006 budget request, are essential for accelerated progress on this crucial objective.

(22) Russia has become a valuable partner in the war on terrorism and a full partner in efforts to secure weapons and unusable nuclear material and to destroy strategic delivery systems, chemical weapons, and excess nuclear warheads.

(b) By adding at the end the following new subsection:

"Sec. 2401. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles.''

SEC. 808. REQUIREMENT FOR ANALYSIS OF ALTERNATIVES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REQUIREMENT.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after subsection (b) the following new subsection:

"§ 2431a. Major defense acquisition programs: requirement for analysis of alternatives.

"(a) Major defense acquisition programs may be commenced before the completion of an analysis of alternatives with respect to such program.

"(b) For the purposes of this section, a major defense acquisition program is commenced when the milestone decision authority approves entry of the program into the first phase of the acquisition process applicable to the program.

(2) The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2431 the following new item:

"2431a. Major defense acquisition programs: requirement for analysis of alternatives.''

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to major defense acquisition programs commenced on or after that date.

SEC. 809. MANAGEMENT CONTRACTS FOR MAJOR DEFENSE SYSTEMS Acquired by the Department of Defense.

(a) REGULATIONS REGARDING MANAGEMENT CONTRACTS.—

(1) REGULATIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations on management contracts for the acquisition by the Department of Defense of major systems.

(2) CONTENT.—The regulations prescribed under paragraph (1) shall:

(A) define the respective rights of the Department of Defense, defense contractors, and other contractors that participate in the development or production of any individual element of the major weapon system (including any management contracts) in intellectual property that is developed by the other participating contractors in a manner that ensures that—

(i) the Department of Defense obtains appropriate rights in technical data developed by the other participating contractors in accordance with the requirements of section 2902 of title 10, United States Code; and

(ii) management contractors obtain access to technical data developed by the other participating contractors only to the extent that, in cooperation with the participating contractors to execute their obligations under such management contracts;
SEC. 1073. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION ON INTERROGATION TECHNIQUES.—

(1) IN GENERAL.—No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) PROHIBITION ON INCORPORATION OF CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(2) CONSTRUCTION.—Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment.

(3) LIMITATION ON SUPERSEDURE.—The provisions of this section shall not be superceded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(b) REGISTRATION WITH INTERNATIONAL RED CROSS.—Each individual described in subsection (a) who is a national of a foreign country shall be registered with the International Committee of the Red Cross.

The Department of Defense shall be reimbursed on an annual basis by any executive agency for the total amount of the unreimbursed direct and indirect costs incurred during each fiscal year by the Department of Defense for providing goods and services to such agency.

SA 1559. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 142, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

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

SEC. 1073. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION ON INTERROGATION TECHNIQUES.—

(1) IN GENERAL.—No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) PROHIBITION ON INCORPORATION OF CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.—

(1) IN GENERAL.—No individual in the custody or under the physical control of the United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(2) CONSTRUCTION.—Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment.

(3) LIMITATION ON SUPERSEDURE.—The provisions of this section shall not be superceded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(b) REGISTRATION WITH INTERNATIONAL RED CROSS.—Each individual described in subsection (a) who is a national of a foreign country shall be registered with the International Committee of the Red Cross.

The Department of Defense shall be reimbursed on an annual basis by any executive agency for the total amount of the unreimbursed direct and indirect costs incurred during each fiscal year by the Department of Defense for providing goods and services to such agency.

SA 1559. Mr. WARNER 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 28, between lines 10 and 11, insert the following:

SEC. 203. FUNDING FOR DEVELOPMENT OF DISTRIBUTED GENERATION TECHNOLOGIES.

(a) INCREASE IN FUNDS AVAILABLE TO ARMY FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $5,000,000, with the amount of such increase to be available for research and development of hybrid, fuel cell, hydrogen generation, wind, and solar power systems for distributed generation technologies at the dual use military/commercial airport in Albuquerque, New Mexico.

(b) REDUCTION IN FUNDS AVAILABLE TO AIR FORCE FOR PROCUREMENT, AMMUNITION, AND DEFENSE ACTIVITIES.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $5,000,000.

SA 1562. Mr. WARNER (for himself and Mr. LEAHY) 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. DESIGNATION OF WILLIAM B. BRYANT ANNEX.

(a) DESIGNATION.—The annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia shall be known and designated as the “William B. Bryant Annex”.

(b) REFERENCES.—Any reference in a law, regulation, document, paper, or other record of the annex referred to in subsection (a) shall be deemed to be a reference to the “William B. Bryant Annex”.

SA 1563. Mr. WARNER 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 357, strike line 20 and insert the following:

PART II—NAVY CONVEYANCES

SEC. 2851. LEASE OF UNITED STATES NAVY MU- SEUM FACILITIES AT WASHINGTON NAVAL YARD, DISTRICT OF COLUMBIA.

(a) LEASE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Navy may lease to the Naval Historical Foundation (in this section referred to as the “Foundation”) facilities located at Washington Naval Yard, Washington, District of Columbia, that house the United States Navy Museum (in this section referred to as the “Museum”), upon such terms and conditions as the Secretary considers appropriate to protect the interests of the United States, which terms and conditions shall be consistent with the purposes for which the Museum was established.

(b) CONSIDERATION.—The amount of consideration paid in any year by the Foundation for the lease of facilities under subsection (a) shall not exceed the actual cost, as determined by the Secretary, of the annual operation and maintenance of the facilities.

(c) USE OF PROCEEDS.—The Secretary shall use proceeds received under subsection (b) to cover the costs of operating and maintaining the Museum.

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

SA 1564. Mr. WARNER 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. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS.

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

(1) Close defense cooperation between the United States and each of the United Kingdom and Australia requires interoperability among the armed forces of those countries.

(2) The need for interoperability must be balanced with the need for appropriate and effective regulation of trade in defense items.

(b) DEFINITIONS.—In this section:

(1) THE ARMS EXPORT CONTROL ACT.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) authorizes the executive branch to administer arms export policies enacted by Congress in the exercise of its constitutional power to regulate commerce with foreign nations.

(2) THE EXECUTIVE BRANCH.—The executive branch has exercised its authority under the Arms Export Control Act, through the International Traffic in Arms Regulations.

(3) AGREEMENTS TO GAIN EXEMPTION FROM THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—Agreements to gain exemption from the International Traffic in Arms Regulations must be submitted to Congress for review.

(c) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—The term “bilateral agreement” means—

(1) the Agreement on Cooperation for the Export of Defense Items between the United States and each of the United Kingdom and Australia;

(2) the Agreement on Cooperation for the Export of Defense Items between the United States and each of the United Kingdom and Australia; and

(3) any successor regulation.

(d) IMPLEMENTATION.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

(2) DEFENSE ITEMS.—The term “defense items” has the meaning given the term in section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(3) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term “International Traffic in Arms Regulations” means the regulations maintained under parts 120 through 130 of title 22, Code of Federal Regulations, and any successor regulations.

(4) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—The term “bilateral agreement” means—

(1) the Agreement on Cooperation for the Export of Defense Items between the United States and each of the United Kingdom and Australia; and

(2) any successor regulation.
(A) by redesignating paragraph (4) as paragraph (5); and
(B) by inserting after paragraph (3) the following new paragraph (4):

"(4) NOTIFICATION OF BILATERAL AGREEMENT REQUIREMENTS.—

(A) AUSTRALIA.—Subject to section 1205 of the National Defense Authorization Act for Fiscal Year 2006, the requirements for a bilateral agreement described in paragraph (2)(A) shall not apply to a bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act if—

(1) the agreement is submitted to and approved by the appropriate congressional committees of both countries;

(2) the United States and Australia have in force and effect the International Traffic in Arms Regulations (22 U.S.C. 2751 et seq.) and the Australian Defense and Strategic Goods List; and

(3) the United States and Australia have adequate and effective enforcement capability and procedures for controlling the transfer of defense items to the People's Republic of China.

(B) UNITED KINGDOM.—Subject to section 1205 of the National Defense Authorization Act for Fiscal Year 2006, the requirements for a bilateral agreement described in paragraph (2)(A) shall not apply to a bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act if—

(1) the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(2) any information on consultations or steps taken pursuant to any agreement with the United Kingdom or any agreement with Australia;

(3) information on the terms and conditions of the agreement;

(4) information on any new understandings, including the text of such understandings, between the United States and the United Kingdom concerning cooperation and consultation with each other and any changes to or updating of those understandings; and

(5) information on any new understandings, including the text of such understandings, between Australia and the United Kingdom concerning cooperation and consultation with each other and any changes to or updating of those understandings, including the text of such understandings.

(5) METROPELIS.—The value of a vessel transferred to the Government of Greece, the OSPREY class minehunter coastal ship METROPELIS (MHC-53), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(6) FREDERICK.—The value of a vessel transferred to the Government of Greece, the OSPREY class minehunter coastal ship FREEDERICK (MHC-54), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(7) TRENTO.—The value of a vessel transferred to the Government of Italy, the TRENTO class amphibious transport dock ship TRENTO (LPD-494), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(8) OLIVER H. PERRY.—The value of a vessel transferred to the Government of Italy, the OLIVER H. PERRY class frigate OLIVER H. PERRY (FFG-71), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(9) NAUTILUS.—The value of a vessel transferred to the Government of Italy, the NAUTILUS class submarine NAUTILUS (SSN-773), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(10) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(11) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(12) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(13) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(14) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(15) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(16) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(17) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(18) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(19) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(20) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(21) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(22) CORSICA.—The value of a vessel transferred to the Government of Italy, the CORSICA class frigate CORSICA (FFG-741), shall not be included under section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:
any expense incurred by the United States in connection with a transfer authorized under subsection (a) shall be charged to the recipient.

(4) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, a country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of that country be performed at a shipyard located in the United States, including a United States Navy shipyard.

(5) EXPIRATION OF AUTHORITY.—The authority to transfer under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SA 1566. 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 V, add the following:

SEC. 1073. UNIFORM STANDARDS AND PROCEDURES FOR TREATMENT OF PERSONNEL PERSONNEL DETENTION BY THE DEPARTMENT OF DEFENSE.

(a) UNIFORM STANDARDS AND PROCEDURES REQUIRED.—The Secretary of Defense shall establish uniform standards and procedures for the detention and interrogation of persons in the custody or under the control of the Department of Defense.

(b) CONSISTENCY WITH LAW AND TREATY OBLIGATIONS.—The standards and procedures established under subsection (a) shall be consistent with United States law and international treaty obligations.

(c) APPLICABILITY.—

(1) IN GENERAL.—The standards and procedures established under subsection (a) shall apply to any activity involving persons in the custody or under the control of the Department of Defense, and to such activities conducted within the control of appropriate Federal procurement personnel, or contractor personnel of any other department, agency, or element of the United States Government.

(2) EXCEPTION.—The standards and procedures established under subsection (a) shall not apply with respect to any person in the custody or under the control of the Department of Defense pursuant to a criminal law or inquiry by the United States Government.

(d) CONSTRUCTION.—Nothing in this section shall affect such rights, if any, under the Constitution of the United States of any person in the custody or under the control of the Department of Defense.

SA 1568. 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; 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 transmit 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 of the Secretary of Energy, or 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 be printed by the President.

SA 1567. Mr. WARNER submitted an amendment intended to be proposed by
(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 1569. Mr. NELSON of Nebraska (for himself and Mr. WYDEN) 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, insert the following:

SEC. 1200. APPLICATION OF THE GENEVA CONVENTION TO ENEMY COMBATANTS.

(a) FINDING.—Congress finds that the executive branch has the authority to detain enemy combatants.

(b) ENEMY COMBATANT DEFINED.—In this section, the term ‘‘enemy combatant’’ means an individual who—

(1) is held by personnel of the Department of Defense at a facility under the control of the Secretary of Defense, including the naval base at Guantanamo Bay;

(2) is accused of knowingly—

(A) planning, authorizing, committing, aiding, or abetting one or more terrorist acts

(B) being part of or supporting forces engaged in armed conflict against the United States;

(3) is not a United States person or lawful permanent resident; and

(4) is not a prisoner of war within the meaning of the Convention Relative to the Treatment of Prisoners of War, dated at Geneva August 12, 1949 (6 UST 3316).

(c) APPLICATION OF GENEVA CONVENTION.—The President shall treat each enemy combatant in accordance with all the terms of the Convention Relative to the Treatment of Prisoners of War, dated at Geneva August 12, 1949 (6 UST 3316).

(d) ANNUAL REPORT.—

(1) REQUIREMENT.—The Secretary of Defense shall submit to Congress an annual report required by section 436 of title 10, United States Code.

(A) for each enemy combatant detained by the United States on the date that is 30 days prior to the submission of such report—

(i) the name and nationality of the enemy combatant;

(ii) the period during which the enemy combatant has been so detained; and

(iii) a description of the specific process afforded to the enemy combatant and the outcome of those processes; and

(B) for each individual who was detained as an enemy combatant and released prior to the date referred to in subparagraph (A)—

(i) the name and nationality of the individual;

(ii) the terms of the conditional release agreement with respect to the individual;

(iii) a statement of the basis for the determination of the United States Government that the individual was released was warranted; and

(iv) the period during which the person was so detained, including the release date of the individual.

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

SA 1570. Mr. DURBIN 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, between lines 7 and 8, insert the following:

SEC. 1072. PROHIBITION ON TORTURE AND CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.

(a) In General.—No person in the custody or under the physical control of the United States shall be subjected to torture or cruel, inhuman, or degrading treatment or punishment.

(b) Definitions.—As used in this section—

(1) the term ‘‘torture’’ has the meaning given that term in section 2340(1) of title 18, United States Code; and

(2) the term ‘‘cruel, inhuman, or degrading treatment or punishment’’ means conduct that would constitute cruel, unusual, and inhumane treatment prohibited by the fifth amendment, eighth amendment, or fourteenth amendment to the Constitution of the United States if the conduct took place in the United States.

SA 1571. Mr. DURBIN (for himself, Ms. MUKULSKI, Mr. ALLEN, Mr. GRAHAM, Ms. LANDRIEU, Mr. LEAHY, Mr. SARBANGAN, Mr. KERRY, Mr. SALAZAR, Mr. CORZINE, Mr. CHAFEE, Mrs. LINCOLN, Mr. BIDEN, Mr. KENNEDY, Mrs. MURRAY, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

SEC. 1106. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD.

(a) Short Title.—This section may be cited as the ‘‘Reservists Pay Security Act of 2005’’.

(b) In General.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

‘‘§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to the amount of pay described in subsection (b), an amount equal to the amount by which—

(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee were in a pay status; and

(2) the amount of pay and allowances which (as determined under subsection (d)—

(‘‘A’’) is payable to such employee for that service; and

(‘‘B’’) is allocable to such pay period.

(B) Amounts under this section shall be payable with respect to a pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted).

(c) The Secretary of Defense, during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to which such employee is absent (as referred to in subsection (a)); and

‘‘(B) for which such employee does otherwise receive basic pay (including by taking any annual, military, or other paid leave) to the extent the employee is entitled by virtue of such employee’s civilian employment with the Government.

‘‘(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

‘‘(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

‘‘(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may receive any remuneration (including employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a)), any amount payable under this section to an employee shall be paid—

‘‘(1) by such employee’s employing agency;

‘‘(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

‘‘(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

‘‘(d) The Office of Personnel Management shall, in consultation with the Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

‘‘(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

‘‘(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

‘‘(f) For purposes of this section—

‘‘(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given them in section 3003 of title 38; and

‘‘(2) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

‘‘(3) the term ‘basic pay’ includes any amount payable under section 5304.’’

(c) Clerical Amendment.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5337 the following:

‘‘§ 5338. Nonreduction in pay while serving in the uniformed services or National Guard.’’

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5338(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

SA 1572. Mr. KOHL submitted an amendment intended to be proposed by
to lie on the table; as follows:
At the end of subsection G of title X, insert the following:

SEC. 1073. HEALTH SERVICE PROGRAMS.

Section 7901 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting "or members of the components of the Armed Forces" after "employees"; and

(2) in subsection (b)(2), by inserting "or members of the components of the Armed Forces" after "employees".

SA 1573. Ms. SNOWE (for herself and Ms. COLLINS) 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 subsection C of title III, add the following:

SEC. 330. NAVY HUMAN RESOURCES BENEFIT CALL CENTER.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE.—The amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby increased by $1,500,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, as increased by subsection (a), $1,500,000 may be available for Civilian Manpower and Personnel for a Human Resources Benefit Call Center in Machias, Maine.

SA 1574. Mr. VOINOVICH (for himself and 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 subsection B of title I, add the following:

SEC. 114. SECOND DOMESTIC SOURCE FOR PRODUCTION AND SUPPLY OF TIRES FOR THE STRYKER COMBAT VEHICLE.

(a) REQUIREMENT.—The Secretary of the Army shall develop a second domestic source for the production and supply of tires for the Stryker combat vehicle. The source shall be any source determined by the Secretary to best respond to the logistics and maintenance requirements of the Army.

(b) AUTHORITY.—The Secretary of the Army may authorize to be appropriated by section 101(3) for weapons and tracked combat vehicles for the Army may be available for activities under subsection (a).

(c) REPORT.—The Secretary shall submit to the congressional defense committees a report setting forth a plan to meet the requirement in subsection (a). The report shall include—

(1) an analysis of the capacity of the industrial base allocated to tires for the Stryker combat vehicle; and

(2) to the extent the capacity of the industrial base in the United States is not adequate to meet such requirements, recommendations on means, over the short-term and the long-term, to address that inadequacy.

SA 1575. Mr. SESSIONS 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 subsection B of title II, add the following:

SEC. 213. HYFIRE REUSABLE LOX/LNG PROPULSION TECHNOLOGY.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $2,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $2,000,000 may be available for Aerospace Propulsion Power Technology (PE #603216F) for HyFire Reusable LOX/LNG Propulsion Technology.

(c) OFFSET.—The amount authorized to be appropriated by section 102(a)(4) for other procurement for the Navy is hereby reduced by $2,000,000, with the amount of the reduction to be allocated to amounts available for Ordnance Support Equipment, Ship Missile Systems Equipment for the Phalanx SeaRAM.

SA 1576. Mr. SESSIONS 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 subsection B of title II, add the following:

SEC. 231. NEXT GENERATION INTERCEPTOR MATERIALS.

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST AND EVALUATION.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Army is hereby increased by $3,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Army, as increased by subsection (a), $3,000,000 may be available for Army Missiles Ordnance Systems Integration (Non-Space) (PE #603355A) for Next Generation Interceptor Materials.

(c) OFFSET.—The amount authorized to be appropriated by section 102(a)(4) for other procurement for the Navy is hereby reduced by $3,000,000, with the amount of the reduction to be allocated to amounts available for Ordnance Support Equipment, Ship Missile Systems Equipment for the Phalanx SeaRAM.

SA 1577. Mr. NEILSON of Nebraska 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 subsection F of title V, add the following:

SEC. 573. ADDITIONAL LEAVE FOR MEMBERS OF THE ARMED FORCES IN CONNECTION WITH CERTAIN PRE-ADOPTION ACTIVITIES.

(a) AUTHORITY TO GRANT ADDITIONAL LEAVE.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) The Secretary concerned may, under uniform regulations prescribed by the Secretary of Defense, grant a member of the armed forces adopted by him under section 102(a) to use not to exceed 21 days of leave to be used in connection with the legal placement of the child in the home of the member in anticipation of the finalization of the adoption.

"(2) In the event that two members of the armed forces who are spouses of each other adopt a child for which leave may be granted under this subsection, it shall be the duty of the Secretary concerned to ensure that such leave shall be granted leave in connection with such adoption under this subsection.

"(3) Leave under this subsection is in addition to leave provided under any other provision of this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2006.

SA 1578. Mr. DURBIN 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 subsection A of title VIII, add the following:

SEC. 807. REPORTS ON SIGNIFICANT INCREASES IN PROGRAM ACQUISITION UNIT COSTS OR PROCUREMENT UNIT COSTS OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) INITIAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the acquisition status of each major defense acquisition program whose program acquisition unit cost or procurement unit cost, as of the date of the enactment of this Act, has exceeded by more than 50 percent the original baseline projection for such unit cost. The report shall include the information specified in subsection (c).

(b) ADDITIONAL REPORTS.—Not later than 90 days after the date on which the Secretary...
determines that the program acquisition unit cost or procurement unit cost of a major defense acquisition program has exceeded by more than 50 percent the original baseline projection for such unit cost, the Secretary shall submit to the congressional defense committees a report on such determination. Each report shall include the information specified in subsection (c).

(c) INFORMATION.—The information specified in this subsection with respect to a major defense acquisition program is the following:

(1) An assessment of the costs to be incurred to complete the program if the program is not modified;

(2) An explanation of why the costs of the program have increased;

(3) A justification for the continuation of the program notwithstanding the increase in costs;

(d) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term “major defense acquisition program” has the meaning given that term in section 2309 of title 10, United States Code.

SA 1579. Mr. CORZINE (for himself, Mr. KENNEDY, Mr. LAUTENBERG, Mr. DODD, Mr. JEFFORDS, and 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 programs of 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. OPT OUT OF COLLECTION AND UTILIZATION OF PERSONAL INFORMATION BY THE DEPARTMENT OF DEFENSE FOR MILITARY RECRUITMENT PURPOSES.

(a) ESTABLISHMENT OF REGISTRY.—The Secretary of Defense shall establish and maintain a centralized registry of individuals who opt to prohibit the Department of Defense from collecting, purchasing, storing, maintaining, analyzing, holding, or otherwise utilizing for military recruitment purposes any information with respect to such individuals, including (but not limited to) information specified in subsection (f).

(b) SINGULAR REGISTRY.—(1) In general.—The registry shall be the sole source of information on individuals described in subsection (a). The Secretary shall not maintain separate or local registries or databases of information on such individuals in addition to the Registry.

(2) ACCESS.—In order to facilitate compliance with the requirement in paragraph (1), the Secretary shall ensure access to the Registry by all individuals engaged in military recruiting activities.

(c) INDIVIDUALS ELIGIBLE TO ENROLL IN REGISTRY.—(1) In general.—The following individuals may enroll in the Registry:

(A) Any individual who is 15 years of age or older and has not completed secondary school—

(B) Any individual who is older than 17 years of age but younger than 26 years of age.

(2) ENROLLMENT OF CERTAIN INDIVIDUALS BY PARENTS.—An individual described by paragraph (1)(A) may enroll in the Registry or be enrolled in the Registry by a parent of such individual.

(d) ENROLLMENT IN REGISTRY.—(1) IN GENERAL.—An individual shall be enrolled in the Registry through the submittal to the Secretary of a notice of enrollment in the Registry.

(2) CONTENTS OF NOTICE.—A notice under paragraph (1) shall include only the full name (first, middle, and last name), date of birth, address, and telephone number of the individual covered by the notice.

(3) MECHANISMS FOR SUBMITTAL OF NOTICE.—The Secretary shall establish a variety of mechanisms for the submittal of notices under paragraph (1). Such mechanisms shall include:

(A) A toll-free telephone number (commonly referred to as an “800 number”) established by the Secretary for purposes of this section;

(B) A prominently displayed Internet link from the Internet homepage of the Department of Defense to the computer website for the submittal and receipt of notices;

(C) A physical address to which notices may be sent and will be received; and

(D) Such other mechanisms as the Secretary considers appropriate.

(4) UTILIZATION OF NOTICE INFORMATION.—Any information in the Registry in a notice under paragraph (1) shall be utilized solely for purposes of the Registry, and may not be utilized for any other purposes.

(e) OPT OUT OF ACCESS.—The Secretary of Defense shall take appropriate actions to ensure that any individual eligible to enroll in the Registry, and any parent of such individual (in the case of an individual described by subsection (c)(1)(A)), who is given materials or who is contacted in any way for military recruitment purposes, receives immediate and prominent notice of the Registry, the consequences of enrollment in the Registry, and the procedures for submitting notice of enrollment in the Registry.

(f) DEPARTMENT OF DEFENSE RESPONSIBILITY FOR MAINTENANCE AND COLLECTION.—The Department of Defense shall be solely responsible for maintaining the Registry and for enrolling individuals in the Registry. The Department may not maintain the Registry or enroll individuals in the Registry by contract or through subcontract.

(g) PROHIBITION ON DISSEMINATION OF INFORMATION OBTAINED IN REGISTRY.—The Secretary may not disseminate or disclose to any individual in a major defense acquisition program activities any information obtained by the Department of Defense, or obtained by any contractor of the Department, for the purposes of military recruitment activities, including any such information maintained in the military recruitment databases of the Department and the Registry.

(h) COORDINATION OF LAWS RELATING TO INFORMATION FOR MILITARY RECRUITMENT.—(1) ENROLLMENT OPT OUT OF ACCESS TO STUDENT RECRUITING INFORMATION.—The enrollment in the Registry of an individual described by subsection (c)(1)(A) shall be deemed to constitute the request of such individual’s parents that information described by paragraph (1) of section 982(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7908(a)) not be released without prior written parental consent in accordance with paragraph (2) of such section.

(2) OPT OUT OF ACCESS TO STUDENT RECRUITING INFORMATION.—A request pursuant to paragraph (2) of 982(a) of the Elementary and Secondary Education Act of 1965 by an individual described by subsection (c)(1)(A) or (B) of this section shall be deemed to constitute the request of such individual’s parents that information described by paragraph (1) of such section.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Chris Erikson and Dree Collopy of my staff be granted the privilege of the floor for the duration of today’s session.

The Acting President pro tempore. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that Dr. Jonathan Epstein, a legislative fellow in Senator BINGAMAN’s office, be granted the privilege of the floor during the pending of S. 1042 and any votes thereupon.

The Acting President pro tempore. Without objection, it is so ordered.

Mr. REED. I ask unanimous consent that two fellows in my office, Tanya Weinberg and Elizabeth Winkelman, be granted the privilege of the floor for the remainder of today’s session.

The Presiding Officer. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Monica Severson during the duration of today’s session.

The Presiding Officer. Without objection, it is so ordered.