This authorization for DD(X) funding aligns the Senate-passed appropriations bill, and our bill parallels the appropriations bill with this funding.

The high priority placed on shipbuilding in the Senate's version of the Defense authorization legislation stands in stark contrast to the House Defense authorization bill which actually rescinds $84 billion in funds designated for Bath Iron Works, the detailed design work on the DD(X) I secured as part of the Defense legislation signed into law last year. The House version also slashes funding for the DD(X) program contrary to what was proposed in the President's budget.

These misplaced priorities remain even when the former Chief of Naval Operations, Admiral Clark, has testified repeatedly that the Navy's requirements for the next generation destroyer are clear. I look forward to working with the other Members of the Senate Committee on Armed Services to resolve this important issue in our conference.

I now turn to the issue of the treatment of detainees. The vast majority of our troops carry out their dangerous and difficult missions with fairness, compassion, and courage. To them, the actions of those who have been accused of torture against detainees are demoralizing and make the difficult task they have been assigned immeasurably more difficult. Critics of abuse at detention facilities operated by the U.S. military have attributed this abuse not only to the criminal actions of individual military personnel—and, again, that is not the vast majority of our troops—but also to the lack of clear guidance across the U.S. Government for the treatment of detainees. Senator MCCAIN's amendment provides that clear guidance. I am proud to be a cosponsor.

Finally, let me comment very briefly on the amendment offered by my colleague from Maine. It only adds insult to injury to require a community to have to pay for the property involved in a base closure. Surely we can work with our communities in a more cooperative way to enable them to pursue the economic development that is necessary to make a closed military installation a productive part of the community once again. It is the least we owe these communities struggling with base closures throughout the United States. I hope we can work out something on that amendment.

The bill before the Senate is a good one. I salute the chairman and the ranking member for their hard work.

Mr. WARNER. Mr. President, I thank our distinguished colleague and member of the committee, the Senator from Maine. The Senator has fought hard on behalf of her interests in that State. Indeed, the BRAC process, in some respects due to your efforts, was modified in the end to the interests of the State.

While I am not going to be able to support the Snowe-Collins amendment, nevertheless, in other areas the Senator made some progress. I thank the Senator for her work on the committee given her work on the Government Operations Committee. Nevertheless, the Senator finds time to attend our meetings and be an active participant. I thank my colleague.

I ask unanimous consent at the hour of 2:45 the Senate proceed to a vote in relation to the Inhofe amendment No. 2439, followed by a vote in relation to the Harkin amendment numbered 2438. I further ask that the Inhofe amendment be modified so it is a first-degree amendment, and that no second-degree amendments to the amendments be in order prior to the votes; provided further that the time from 2:15 to 2:45 be equally divided between Senators INHOFE and HARKIN. I further ask on an unrelated matter that Senator STEVENS be recognized for up to 10 minutes of morning business following the two votes.

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

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:41 p.m., recessed until 2:17 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006—Continued

### AMENDMENTS NOS. 2438 AND 2439

The PRESIDING OFFICER. There is now 30 minutes of debate equally divided between Senator INHOFE and Senator HARKIN.

The Senator from Virginia.

Mr. WARNER. Mr. President, under the previous order, the time between 2:15 and 2:45 is equally divided between the Senator from Oklahoma and the Senator from Iowa for the purposes of discussing the underlying amendment by the Senator from Iowa and a second degree that I put on on behalf of Senator INHOFE. My understanding is that Senator INHOFE will be here momentarily. But under the order, the Senate is now in session and open to hear comments on this legislation.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, what we have coming up here are two votes, one at 2:45 on the Inhofe sense-of-the-Senate amendment, to be followed by a vote on my amendment.

Now, you might say: What harm is it in voting for the Inhofe sense-of-the-Senate amendment? Well, I thought I might even vote for it myself, until I read it. Because if you look at the sense-of-the-Senate amendment by the Senator from Oklahoma, in its findings—in its findings—it says:

> The American Forces Radio and Television Service and the American Forces Network provide a ''touch of home'' to members of the Armed Forces [et cetera] by providing the same type and quality of radio and television programming . . . that would be available in the continental United States.

Well, when AFRTS provides for 100 percent, under 33 local stations around the world, of Rush Limbaugh and Dr. Laura and James Dobson and zero percent on the progressive side, that is hardly ''the same type and quality'' ''available in the continental United States.'' So right away, that is a wrong finding.

Another finding is that the:

> American Forces Radio and Television Service . . . select programming that represents a cross-section of popular American radio and television.

Well, again, if 100 percent is on one side and zero is on the other, that also cannot be so.

And then in their sense-of-the-Senate amendment it says, it is the sense of the Senate—according to the Senator from Oklahoma—that:

> [T]he programming mission, themes, and practices of the Department of Defense with respect to its television and radio programming have fairly and responsively fulfilled their mission of providing a ''touch of home'' to members of the Armed Forces. . . .

Well, they have fairly and responsively fulfilled their mission when it is 100 percent to nothing? I do not think so.

Lastly, the Inhofe amendment says the Secretary of Defense may appoint an ombudsman—''may''—but it does not say what the ombudsman is supposed to do.

Now, to be clear, again, what our amendment does is it simply takes the DOD directive—which says they shall provide a free flow of political programming, that there should be the same equal opportunity for balance, and that they should provide them with fairness—and codifies it. We take that directive and codify it. That is all. We do not change it, we codify it. Then we set up an ombudsman and spell out what that ombudsman should do. And we spell that out in my amendment. So there is quite a bit of difference.

Again, I remind my fellow Senators that a year and a half ago, I offered a sense-of-the-Senate resolution because I thought if we gently prodded them and showed them what they were doing, they would follow their directive. That was 16 months ago. Now, 16 months later, it is 100 percent to nothing. There is zero programing on the progressive side.

Again, I want to make it clear we are not trying to restrict or in any way say what they have to carry, but as long as they are carrying this talk radio, it ought to at least be balanced. Some people say: Well, Rush Limbaugh has a big audience. He does. I don't deny that. But they are carrying Dr. Laura, they are carrying a Mark Merrill, whom I have never heard of. Why don't they carry Howard Stern? Howard Stern has 8 million listeners. Well, in that case, they said they do not like the content.

So it is not just ratings, it is also content. They are keeping the Armed Forces personnel from listening to Howard Stern. So it is not just ratings. Don't fall for that line. It is not because Limbaugh and these people have high ratings. Howard Stern has high ratings, but they won't let him on.

So I hope Senators will oppose the Inhofe amendment and support our amendment to codify it and to set up an ombudsman who would report to the Secretary of Defense and report to us every year on how they are meeting their requirements of fair and balanced programming.

With that, Mr. President, I yield the floor, suggest the absence of a quorum, and I ask unanimous consent that the time be run on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Virginia.

Mr. WARNER. Mr. President, in consultation with the ranking member, I say that there are three amendments in which, speaking for the majority, I would yield back time in our possession in the hopes we could move to the amendments for voting purposes.

The first one, of course, would be the amendment, as I just discussed with the distinguished Senator from Michigan, regarding the desire to have a Presidential commission regarding the detainee issues. I ask the Chair to inform the Senate as to the amount of time that is under the control of the majority and minority on that amendment.

The PRESIDING OFFICER. Amendment No. 2427?

Mr. WARNER. A little louder, Mr. President.

The PRESIDING OFFICER. Amendment No. 2427?

Mr. WARNER. Amendment No. 2430.

Mr. LEVIN. Mr. President, how much time is there on each side, if we could inquire of the Chair.

Mr. WARNER. That is the question before the Chair on amendment No. 2430.

The PRESIDING OFFICER. The opposition has 10 minutes. Senator LEVIN has 3 minutes.

Mr. WARNER. Fine. Then we would like to move to the amendment by the Senator from Rhode Island, Mr. REED, regarding missile defense. Again, I would inquire as to how much time is remaining on the amendment, which is amendment No. 2427.

The PRESIDING OFFICER. The opposition has 8 minutes. Senator REED has 19 minutes.

Mr. WARNER. Well, I am prepared to yield back time on that if we can get some indication from Senator REED as to his desire. I am hopeful we will have that vote up.

Then there is an amendment by the distinguished Senator from Maine, Ms. SNOWE, amendment No. 2436. Will the Chair advise the Senate as to the time remaining on that amendment?

The PRESIDING OFFICER. Senator SNOWE has 3 minutes, and the opposition has 13 minutes.

Mr. WARNER. Well, with regard to the time in opposition, I am opposed to the amendment, but I am prepared to yield back the time on that amendment. This, hopefully, alerts Senators that any one and hopefully all three of those amendments could be up for votes very shortly.

Mr. LEVIN. Mr. President, will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. LEVIN. I am wondering if we have the time on the Nelson of Florida amendment. I do not have the number.

Mr. WARNER. Mr. President, 2424 is the number on that amendment.

If the Senator will withhold for a minute.

The inquiry is in to the desk as to the time left on the Nelson amendment.

The PRESIDING OFFICER. Senator NELSON has 16 minutes, and the opposition has 30 minutes.

Mr. WARNER. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I inquire as to the regular order and the time remaining on both sides.

The PRESIDING OFFICER. The Senator from Oklahoma has 10½ minutes.

Mr. INHOFE. On both sides.

The PRESIDING OFFICER. The Senator from Iowa has 9 minutes.

Mr. INHOFE. All right, then. And the second-degree amendment No. 2439 to amendment No. 2438 is the order?

The PRESIDING OFFICER. It is now a first-degree amendment, and it is the pending amendment.

Mr. INHOFE. Amendment No. 2439?

The PRESIDING OFFICER. Yes. That is correct.

Mr. INHOFE. Mr. President, I had an opportunity prior to the break to talk a little bit about my amendment to the Harkin amendment. There is criteria that has been used, and used successfully, for a long period of time. There are two criteria. One is, it must be a syndicated type of a program. The program has to be syndicated. No. 2, it has to have at least a million listeners by the ratings.

Now, there are some other exceptions, when they are extreme things. Obviously, there are some things that anyone making any evaluation would not want to have our people subjected to. But by and large that is the way it has worked.

Now, for a long period of time it just happens that the conservative programs have been asked for by our troops over there, so they have received them. However, if I were to stand here and say I am happy with the programming as it has been, I would not be.

Right now I guess the name you hear more often than anybody else is Rush Limbaugh. His is the second most highly requested program. They want all 3 hours, although only some of the 33 stations give him 1 hour. No one gives him more than 1 hour. So that is not as much as I would like to have them go and as much as I think the market demands.

I think it has worked well. I would think it would be very bad policy for us to believe we should sit here in this august body of the Senate and make the determination as to what we think—what we think—our troops should be watching and listening to.

I believe this is true: I have been to Iraq more than any other Member. I have gone just about every month. I have yet to hear the first complaint over the programming as it has been, nor have I ever received a communication in any of our offices either in Washington or in the State.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I wonder if the Senator from Oklahoma could advise this Senator as to where in the directive—perhaps there is someplace I haven't found—it says that radio programs that are carried by American Forces Radio around the world have to be syndicated and have a million listeners.

Mr. INHOFE. That is the policy they have been using. It is not mandated. It is a policy they have stated has been their policy, and the programming has reflected that that is the case.

Mr. HARKIN. With all due respect, I asked the Senator, can he show me anywhere where that is written down?

Mr. INHOFE. No. This has been the policy. By the way, I remind the Presiding Officer, this is on the time of Senator HARKIN.

Mr. HARKIN. Mr. President, what we have is a policy that is not written down—we can find it nowhere, and today is the first time I ever heard of it—that somehow before American Forces Radio airs a program, No. 1, it has to be syndicated and, No. 2, it has to have a million listeners. I never heard of this before. All of a sudden, it has come up.

Mr. INHOFE. Will the Senator yield?

Mr. HARKIN. Since I am on my time, the Senator can get his own time to respond.

That is why we need to codify it. I think the Senator has put his finger on it. That is why our amendment is necessary. It takes the DOD directive, what is in writing, and codifies it and makes it law. That way there won't be any confusion. That way we will know whether they are living up to their own words. Secondly, putting in an ombudsman—not ''may,'' what the Senator says in his amendment—will do the following: That person will be appointed by the Secretary of Defense; not engage in any censorship; conduct reviews of integrity, balance, and fairness; respond to program issues raised

by the audience; make suggestions regarding ways to correct imbalances; and, most importantly, prepare and present an annual report to the Secretary of Defense and Congress on whether American Forces Radio is satisfying its mandate to provide fair and balanced political programming.

The Senator, by his own words, shows why this is necessary. All of a sudden we hear there is a policy. It is not written down. We have never heard of it before. Yet we know what is happening.

I repeat for emphasis: On the 33 stations around the world, we have 100 percent Rush Limbaugh and Dr. Laura and James Dobson, and zero percent of any kind of progressive radio. I don't care how you cut it, slice it, dice it, or excuse it, this is unfair. This is censorship. This is propagandizing our troops. They deserve better than that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I believe this policy has been adhered to—on his own time, if the Senator from Iowa knows of any time it has not been adhered to, I would be glad to listen—the criteria of having to be syndicated and, No. 2, at least 1 million listeners, which has been the policy all along. If he questions that this should be the policy or believes it should be in the future, I would be glad to change my amendment just to say that it should be based on those two criteria. That is not a problem at all. It is not necessary because it has used that criteria in the past.

To clearly demonstrate that 1 million listeners is one of the criteria, when the time came that Franken and Ed Schultz reached 1 million, all of a sudden they were programmed. It further demonstrates it is something that has worked in the past for liberal or conservative messages.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, this is very interesting, I say to my friend from Oklahoma. The Senator from Virginia got up earlier before our lunch break and said something about Ed Schultz and Al Franken being on American Forces Radio. I just checked with them. I had my office call both of their programmers. Neither Mr. Franken nor Mr. Schultz has been notified, as of 2 hours ago, that they are ever going to be on American Forces Radio. They have never been notified. So now we hear today that somehow all of a sudden they are going to be on. Maybe the Senator has some inside knowledge of how they operate. As of 2 hours ago, neither Mr. Schultz nor Mr. Franken has been notified when they are going to be on, how often, or how long.

The second thing I say to my friend from Oklahoma, he says they have this policy of syndication and 1 million listeners and even though it is not written down anywhere they have followed it. I say to my friend from Oklahoma, if that is the case, then why don't they carry Howard Stern? Howard Stern has over 8 million listeners. He is syndicated. Yet American Forces Radio will not carry Howard Stern. So I say to my friend from Oklahoma, there must be some other criteria other than syndication and a million listeners or else they certainly would have Howard Stern.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we are trying to find out something specific that Howard Stern has said or promoted on his programs. The problem is, there is nothing I can say on the Senate floor because it is so basically lewd. It is the type of thing that if the Muslim world were to listen to, it would be something very bad. There is not a Senator on this floor who would want that type of language used, profanity. I said this in my opening remarks. There are some cases where programming could be so extreme, whether it is liberal or conservative, it would not be acceptable.

As far as Al Franken and Ed Schultz, the liberal programming, it was published on the Web site of American Forces that states which ones meet the two criteria. It was not on their Web site in 2004. It is on their Web site currently.

I can't spoon-feed them and go up and say: Are you aware? You need to read the Web site. They should have been aware of that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I have no case to make for Howard Stern. The Senator said it is syndication and numbers in the millions. I pointed out that Howard Stern has 8 million. The Senator responds that Howard Stern is lewd and too much—I didn't hear all the words he used. But there are other criteria that have to do with content.

Whether one agrees with whatever Howard Stern says, I might object strenuously—and I think a lot of Americans would object—to someone who said that what is good for al-Qaida is good for the Democratic Party in this country today. Rush Limbaugh said that. That went to all of our troops in Iraq. I think that is lewd. I think that is obscene. I will bet you there are a lot of people who think that is obscene. I don't mean just Democrats, anybody would think that is obscene. Or saying that what happened at Abu Ghraib was like a fraternity prank, or saying that the pictures of homoeroticism look like standard, good-old American pornography. Rush Limbaugh said that. It was broadcast to our troops in Iraq.

We voted last week 90 to 9 on the McCain amendment to say: No. What happened at Abu Ghraib does not represent good-old American pornography, as Rush Limbaugh says.

If the Senator objects to Howard Stern, fine. I think a lot of people object to the obscenities of Rush Limbaugh, also.

What we are talking about is not taking somebody off the air. We are talking about ideas and discussion and debate. It seems to me that what we want are more ideas and more discussion and more debate. I think our debate is pretty darn good, as a matter of fact. Why don't they have that on American Forces Radio rather than this one-sided type of thing? They need this kind of debate, this kind of discussion. More ideas, more discussion, more debate is much better than less. That is what I believe our amendment would provide.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to inquire as to the time remaining.

The PRESIDING OFFICER. The Senator from Oklahoma has 3½ minutes. The Senator from Iowa has 20 seconds.

Mr. INHOFE. Let me say that I think with any program, in the case you mentioned of Rush Limbaugh, you mentioned two things you found to be offensive and you questioned whether they were appropriate. The service people requested all 3 hours every day. They ended up with some stations giving them 1 hour, nobody giving them more than 1 hour. So if you take 1 hour for some of these stations every day and you can find two instances of something that in, your interpretation, is lewd, and you compare that to Howard Stern whose programming is based on this type of thing—the profanity and the things that we find offensive and would not want to be throughout the world, the Arab world, or the rest of the world—then I think that is a real stretch.

The bottom line is, we have an opportunity. Right now it is working well. As I say, I don't know how many times the Senator from Iowa has been to Iraq. In his last 20 seconds, he might mention how many times he has been there. I have been there almost every month. I carry on a dialog with these people. I know they tell me the type of programming they want, the complaints they have. We have yet to receive any complaints saying they think the current system of programming is wrong in any way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the time remaining on behalf of the distinguished Senator from Oklahoma is?

The PRESIDING OFFICER. It is 1 minute 20 seconds, and the time remaining for the Senator from Iowa is 20 seconds.

Mr. WARNER. Mr. President, the Senator from Iowa talked about the two programs which I discussed earlier, Ed Schultz and Al Franken. He mentioned that his check indicated they

haven't been contacted. I immediately went back and checked with the Department of Defense. The Department of Defense, I assure the Senator from Iowa, is taking steps to implement the inclusion of those programs. The Department is dealing with the agents who presumably control the time. Therefore, the proffer that I made earlier about these two programs being included, it may be just a question of the tense of the verb, but I am assured by the Department that they are now taking steps to implement the inclusion or option to include these two programs throughout the American Forces Network.

Mr. HARKIN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. HARKIN. I just respond by saying they said that 16 months ago. They said it 16 months ago, and nothing has happened.

Mr. WARNER. Well, I am not in a position to rebut that.

All I can say is——

The PRESIDING OFFICER. The majority's time has expired.

Mr. WARNER. Within the past 15 minutes, I received the assurance.

Has all time expired, Mr. President?

The PRESIDING OFFICER. The Senator from Iowa has 20 seconds.

Mr. HARKIN. I think again what this boils down to is do you want to have our troops have more debate, more discussion, more ideas, or do you want them to be limited? I say to my friends on the Republican side, maybe you will be inclined to just vote for Limbaugh and Dr. Laura and stuff, but I ask for your thoughts on fairness and equity. Someday the shoe may be on the other foot. I don't want them to hear one side of the story. I want them to hear both sides of the story.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I beg you, let's have some fairness. That is what this amendment will do, not the sense-of-the-Senate resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. WARNER. I so make that request for both amendments, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered. The yeas and nays may be requested on both amendments.

Mr. WARNER. And I so make that request, the underlying amendment and the Inhofe amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 305 Leg.]

YEAS—55

| | | |
|---|---|---|
| Alexander | DeWine | Murkowski |
| Allard | Dole | Nelson (NE) |
| Allen | Domenici | Roberts |
| Bennett | Ensign | Santorum |
| Bond | Enzi | Sessions |
| Brownback | Frist | Shelby |
| Bunning | Graham | Smith |
| Burns | Grassley | Snowe |
| Burr | Gregg | Specter |
| Chafee | Hagel | Stevens |
| Chambliss | Hatch | Sununu |
| Coburn | Hutchison | Talent |
| Cochran | Inhofe | Thomas |
| Coleman | Isakson | Thune |
| Collins | Kyl | Vitter |
| Cornyn | Lott | Voinovich |
| Craig | Lugar | Warner |
| Crapo | Martinez | |
| DeMint | McConnell | |

NAYS—43

| | | |
|---|---|---|
| Akaka | Feingold | Mikulski |
| Baucus | Feinstein | Murray |
| Bayh | Harkin | Nelson (FL) |
| Biden | Inouye | Obama |
| Bingaman | Jeffords | Pryor |
| Boxer | Johnson | Reed |
| Byrd | Kennedy | Reid |
| Cantwell | Kerry | Rockefeller |
| Carper | Kohl | Salazar |
| Clinton | Landrieu | Sarbanes |
| Conrad | Lautenberg | Schumer |
| Dayton | Leahy | Stabenow |
| Dodd | Levin | Wyden |
| Dorgan | Lieberman | |
| Durbin | Lincoln | |

NOT VOTING—2

| | |
|---|---|
| Corzine | McCain |

The amendment (No. 2439) was agreed to.

Mr. WARNER. I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2438

The PRESIDING OFFICER. The question is on agreeing to the Harkin amendment No. 2438. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 44, nays 54, as follows:

[Rollcall Vote No. 306 Leg.]

YEAS—44

| | | |
|---|---|---|
| Akaka | Carper | Feinstein |
| Baucus | Clinton | Harkin |
| Bayh | Conrad | Inouye |
| Biden | Dayton | Jeffords |
| Bingaman | Dodd | Johnson |
| Boxer | Dorgan | Kennedy |
| Byrd | Durbin | Kerry |
| Cantwell | Feingold | Kohl |
| Landrieu | Murray | Rockefeller |
| Lautenberg | Nelson (FL) | Salazar |
| Leahy | Nelson (NE) | Sarbanes |
| Levin | Obama | Schumer |
| Lieberman | Pryor | Stabenow |
| Lincoln | Reed | Wyden |
| Mikulski | Reid | |

NAYS—54

| | | |
|---|---|---|
| Alexander | DeMint | Martinez |
| Allard | DeWine | McConnell |
| Allen | Dole | Murkowski |
| Bennett | Domenici | Roberts |
| Bond | Ensign | Santorum |
| Brownback | Enzi | Sessions |
| Bunning | Frist | Shelby |
| Burns | Graham | Smith |
| Burr | Grassley | Snowe |
| Chafee | Gregg | Specter |
| Chambliss | Hagel | Stevens |
| Coburn | Hatch | Sununu |
| Cochran | Hutchison | Talent |
| Coleman | Inhofe | Thomas |
| Collins | Isakson | Thune |
| Cornyn | Kyl | Vitter |
| Craig | Lott | Voinovich |
| Crapo | Lugar | Warner |

NOT VOTING—2

| | |
|---|---|
| Corzine | McCain |

The amendment (No. 2438) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that following the use or the yielding back of the debate time on the Byrd amendment, the Senate proceed to a series of stacked votes in relation to the following amendments: The first is the Byrd amendment; the second is the Nelson amendment, No. 2424; the third is the Snowe amendment, No. 2436; provided that no second degrees be in order to the amendments prior to the votes; finally, that there be 2 minutes equally divided between the votes and that the second and third votes be limited to 10 minutes each.

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

Mr. WARNER. Mr. President, further I hope, working in consultation with the distinguished ranking member, to have more votes. There is an outstanding Reed amendment and there is an outstanding amendment by the Senator from Michigan, Mr. LEVIN. I hope those votes will be addressed by the Senate not too long after the conclusion of this series of votes.

Mr. President, under the order of the Senate that I asked for earlier, the Senator from Alaska is to be recognized.

The PRESIDING OFFICER. The Senator from Alaska.

(The remarks of Mr. STEVENS and Ms. MURKOWSKI are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. What is the business before the Senate?

The PRESIDING OFFICER. The Snowe amendment is pending.

Mr. BYRD. The Snowe amendment to what?

The PRESIDING OFFICER. To the Department of Defense authorization.

Mr. WARNER. Mr. President, if the Senator would yield, we have already scheduled Senator BYRD's amendment at this point in time, so it is quite in order and timely.

AMENDMENT NO. 2442

(Purpose: To establish the position of Deputy Secretary of Defense for Management.)

Mr. BYRD. Mr. President, I thank the distinguished Senator from Virginia, a man for whom I have great respect.

In 1787, during the drafting of the Constitution, the Founding Fathers struggled with the question of how to create a government that would simultaneously govern and yet remain accountable to the people. The Framers developed a number of principles with which every schoolchild should be familiar: Direct and indirect representation, checks and balances, separation of powers.

In addition to these great principles, the Framers were also insightfully pragmatic. For example, in article I, section 9, the Constitution gives the Congress—us, the Senate and the House, the Congress—the power of the purse. As Cicero said, there is no fortress so strong that money cannot buy it. Money cannot take it.

That section also requires accountability for how the people's tax money is to be used. Here is what it says:

. . . a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

The Founding Fathers, among whom were the Framers, the Framers understood the importance of informing the American people about how their taxes are spent. However, this constitutional requirement has frequently clashed with the realities of the modern day bureaucracy. In no other Government agency, is this clash more evident than in the largest department, the Department of Defense, with its budget that is approaching half a trillion every year. How long would it take to count $1 trillion at the rate of one dollar per second? That is pretty fast counting, one dollar per second. How long would it take to count $1 trillion at the rate of one dollar per second? Guess. What is the guess? Thirty-two thousand years. That would be quite a while. I wouldn't be around to hear the counting of $1 trillion at the rate of one dollar per second.

The Department of Defense, with a budget that is approaching half a trillion dollars per year—that takes 16,000 years to count—is unable to adequately account for the funds that are appropriated to it.

What a shame. Are you astounded? It is amazing, isn't it? That is astonishing.

Despite decades of congressional scrutiny, multibillion dollar reform efforts and promises for progress, the Pentagon is unable to pass an audit of its books. How about that? The Pentagon is unable to pass an audit of its books. I have been saying this now for how many years, pretty close to 5 years that I have been saying this. Secretary Rumsfeld admitted it. He said he was going to do something about it.

Dr. David Walker, the Comptroller of the United States and the head of the Government Accountability Office, has stated:

Numerous management problems, inefficiencies, and wasted resources continue to trouble DOD's business operations, resulting in billions of wasted resources annually at a time when our nation is facing an increasing fiscal imbalance.

We ought to listen to that. That ought to get everyone on their feet. Stand up and take notice. He is talking about billions of dollars of the people's money. That is your money; your money; yes, your money; and your money. Turn to the four corners of the Earth, the proverbial four winds. It is your money that goes down the tubes each year, down the tubes.

These billions are not being spent on training our troops. These billions are not being spent on providing health care for the families of our troops. We are talking about billions of dollars in spending that neither improves our national security nor returns value to the taxpayers. It is as if this huge amount of money vanishes into thin air.

In this time of tight budgets, in this time of huge deficits, this is exactly the sort of Government waste the Congress needs to eliminate. The taxpayers cry out, even the rocks cry out.

When Secretary Rumsfeld came before the Committee on Armed Services in January of 2001, I asked Secretary Rumsfeld what he was going to do about this. That was in 2001. What are you going to do about it? So I asked him what he was going to do about this. This what? This $2.3 trillion in unsupported accounting entries that appeared in the Pentagon's ledgers in fiscal year 1999.

Mr. President, $2.3 trillion is a lot of money, isn't it? I believe our national budget exceeded $1 trillion—when was it, may I say to the distinguished Senator from Virginia, when did our Government budget first exceed $1 trillion? I believe that was 1987; am I correct? Now, here we were in 1999, when I noted that there was in the Pentagon's ledgers, this number $2.3 trillion in unsupported accounting. Secretary Rumsfeld said that the accounting mess was, to use his words, ''monumental.'' He used the word ''terrifying.'' And he said it would take ''a period of years,'' it would take ''a period of years to sort it out.'' So I said: Well, let's get started. It is past time.

Since January 2001, the Department of Defense has made progress in some areas. For example, the Pentagon has been successful in reducing the abuse of Government-issued credit cards. But the toughest work remains ahead, and there are serious doubts that the Pentagon is up to the task of tackling these difficult problems.

The previous Defense Department Comptroller, Dov Zakheim, set a goal to have the Pentagon pass its first audit by fiscal year 2007. However, this deadline is increasingly looking like a pipedream. Dr. Walker of the General Accounting Office said, earlier this year, in a hearing before the Armed Services Committee's Readiness Subcommittee:

The goal for 2007 is totally unrealistic. It's not credible on its face.

How about that? That is quite astonishing. In fact, for the first time, the GAO listed the Defense Department's business transformation project on its annual list of ''high risk'' Government programs.

Now, this should lead the Congress to question whether the Defense Department is moving forward in its efforts to straighten out its books or if it is heading into even greater financial chaos.

Mr. President, I cry out for the American people. Oh, how they cry out because of the burden, the never-ending, the increasingly heavy, the increasingly unbearable burden. They simply can no longer afford the billions of wasted dollars through the Pentagon's broken accounting systems. That is why I offer an amendment on behalf of myself and Senator AKAKA and Senator LAUTENBERG, to put the Defense Department on the right track to fix its broken accounting and financial management system. It is broken, so it needs fixing. Yes, it needs fixing. Why? Because it is broken.

This amendment, which is similar to bipartisan legislation introduced earlier this year, would create a Deputy Secretary of Defense for Management to bring order to the Pentagon's bloated bureaucracy—the Pentagon's bloated bureaucracy. The Deputy Secretary for Management would be directly responsible—directly responsible—for overseeing reform in the areas of accounting, human resources, information technology, acquisition, and logistics, among others. These are the key areas identified by the Government Accountability Office as being most in need of stronger oversight. Getting these programs on the right track could save taxpayers billions of dollars per year by eliminating waste, inefficiency, and duplication—duplication, redundancy.

Based upon the recommendations of the GAO, the Byrd-Akaka amendment would create a 7-year term for the Deputy Secretary of Defense for Management. This fixed term of service is required to ensure that the Pentagon lays out a single plan for reform and sticks to it—lays out a single program for reform and sticks to that single program for reform. Above all else, the Defense Department needs this sustained, high-level leadership if it is ever going to fix its accounting problems.

Well, there are some critics who might argue that the Department of Defense already has high-level leadership concerned about financial management and accounting practices. Well, that is probably true. So what. It

is, indeed, true that Secretary Rumsfeld and his Acting Deputy Secretary, Gordon England, both have spoken often about the importance of straightening out the Pentagon's books.

But this amendment is not about the Secretary, not about the Deputy Secretary of Defense. If experience shows us anything, it is that Secretaries and Deputy Secretaries come and go, but the Pentagon's accounting problems remain. The Secretaries and Deputy Secretaries come and go, but the Pentagon's accounting problems do not go away. They do not go away. They remain.

In the 15 years since the Congress passed the Chief Financial Officers Act of 1990, which requires every Government agency to pass a financial audit, the Pentagon has seen five—F-I-V-E—Secretaries of Defense, eight—E-I-G-H-T—Deputy Secretaries of Defense, and five—F-I-V-E—Comptrollers. How about that. How can any major reform plan hope to succeed if the Department's leadership is in such a constant turnover, such a constant state of change?

Plans for accounting reform have been written, written, written, and rewritten more times than anyone can count. Billions of taxpayer dollars have been spent in the vain attempt to implement a never-ending series of reform proposals, each one of which claims to be the plan that will finally straighten out the Pentagon's books. But do you know what. These proposals, plans, and programs just are not getting the job done. They do not amount to a hill of beans. They are not doing the work.

In fact, just a few short weeks ago, the Department of Defense finished creating another revised plan to fix its accounting systems and inaugurated another new agency to implement the new plan. Well, while some may argue that this means the Pentagon is finally getting serious about its efforts to balance its books, I see history repeating itself—yes, more new plans, more new plans, more new plans, but little hope for success.

Mr. President, the time has come and passed for a real shakeup of the Department of Defense. That giant bureaucracy needs to be tamed—needs to be tamed. While the Secretary and Deputy Secretary of Defense have a multitude of competing priorities, including their responsibility to oversee the military operations in Iraq and Afghanistan, the Pentagon needs a single official to focus on the day-to-day management of the Department of Defense. The Byrd-Akaka amendment creates a Deputy Secretary of Defense for Management to do that.

Too much of the American people's hard-earned tax dollars are lost through the waste and inefficiency of the Defense Department's bureaucratic morass. It is time for reform. I urge my colleagues to support the Byrd-Akaka amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, one of the great pleasures of those of us who serve on the Armed Services Committee is to have the opportunity to work with Senator BYRD, an individual for whom I have the greatest respect and whose corporate knowledge of the institutions of Government, most particularly the institution of the U.S. Senate, is second to none.

I have listened carefully to this presentation by our distinguished colleague from West Virginia, and I think he cites, with relative accuracy, points that should be taken into consideration. But I would like to say to my friend, I wonder if you might consider an alternative approach.

We stop to think that the Department of Defense was envisioned by the Key West Conference in 1947, when Harry Truman—I might say one of my favorite Presidents—saw the need to bring together the Departments of the Navy and the Army and the emerging Air Force from the glorious days of the Army Air Corps and put them all together, unify them, and eliminate, thereby, certain frictions, and so forth, that normally exist between the military Departments. The Department of Defense as we know it today was born, and James Forrestal was our first Secretary.

This Department has served this Nation very well in the ensuing years since 1947. And yet, as Mr. BYRD has said very eloquently, he has pointed out problems associated with the enormity of the growth of responsibilities, the enormity of the growth of appearances required by the senior members of the Department before the Congress and the like.

I think he also has in mind the British system, for which all of us who have dealt with that system through the years have a certain degree of admiration. They have a civil service sort of permanent under secretary structure, so as there is turnover in the top positions through the years, there is someone to come in and say: Well, I was here under the previous two secretaries and, indeed, the facts are such and so. It has its virtue. But I think the complexity of the problems you raise requires some careful study.

Now, a subcommittee of the Armed Services Committee, under the distinguished chairmanship of Senator ENSIGN, has looked at this question. He will succeed me here momentarily to give his thoughts.

I come down to this point, I say to my good friend from West Virginia. You start with the proposition there is no other Government agency or Department of our Federal system, other than the FAA—and I did not know that until I was prompted by your amendment to do the research—which has the two Deputy Secretaries or Under Secretaries, as the case may be. That, to me, indicates that throughout the formation of our Government, whether it has been under Democrat control or Republican control, it is a concept that has not been tried. But it merits careful study.

I am wondering if the Senator from West Virginia would think of converting his amendment to provide for a study. Now, I do not mean to kick the can down the road for a year and let it disappear as a concept. Let's have a tight study of 90 or 120 days. Let's have it done by one of the Federal research centers, not the GAO because the GAO, frankly, has an opinion, maybe have it done by two of them, require two of them to do it, and report back to the Congress early next year, say in the February-March timeframe, such that we could hold a hearing in the Armed Services Committee and perhaps the Government Operations Committee, which has sort of plenary jurisdiction over Government agencies and Departments, and take a look at it. It might take root, and as such we would put it in as a part of next year's authorization bill. We could then go to our colleagues in the Senate and our colleagues in the other body and say: Look, we have carefully analyzed and studied, and this is our conclusion. I say to my good friend—not that I could teach him anything—knowing where the votes are, I am inclined to think there is probably a sufficient structure of votes here not to carry your amendment, and I would hate to see it lost, to be honest. And should it pass here, there is nothing in the House. And as you well know from more experience than I, that conference produces unpredictable results.

This is a good idea. This idea merits very careful attention and study. I would be the first to cosponsor with you if you were so desiring of amending your pending amendment to provide for a framework by which this concept is studied step by step before the Congress is called upon to render its judgment.

I say that with the greatest respect.

At this point, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the proposal coming, as it does, from the distinguished chairman of the Armed Services Committee, gives me pause.

First, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. AKAKA, and Mr. LAUTENBERG, proposes an amendment numbered 2442.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BYRD. Continuing, the Department of Defense has served our country well. But from time to time Congress

has needed to make changes, such as the Goldwater-Nichols Act, to fix problems that have arisen. We know what the problem is. The Department needs someone to dive in and fix these accounting problems. The GAO has told the Congress what is needed to fix these problems. My amendment does just that. One more year means more money spent. One might ask the rhetorical question, how many more years does Congress need to wait before it acts? I don't slough off the proposal nonchalantly or ''chalantly.'' I would like to think about that. Let me do just that. While the Senator from Nevada, Mr. ENSIGN, speaks, let me converse with the Senator from Virginia.

Mr. WARNER. Mr. President, I thank my dear colleague. I suggest, indeed, as Senator ENSIGN has looked into this, the Senate would benefit from his perspective. I suggest we make this the pending amendment, lay it aside such that the Senate can proceed to the votes on the other two amendments. I don't know that there is any urgency. As long as it is the pending amendment, it can be brought up at any time the Senator from West Virginia so desires, either to be amended or voted in its present framework. I would be happy to yield the floor for the purposes of the distinguished Senator from Nevada addressing the Senate on this important subject and confer with the Senator from West Virginia briefly. I have an appointment with the British Minister of Defense. He is in my office. I would like to keep that for a brief period and then return to the floor.

Mr. BYRD. Fine, if we could set this amendment aside until after the two votes. In the meantime, let the Senator from Nevada, Mr. ENSIGN, speak, and then have the amendment set aside until after the two votes. Meanwhile we can confer.

Mr. WARNER. Mr. President, I ask unanimous consent then that the Senator from Nevada be recognized for such time as he wishes to take on the Byrd amendment in its present configuration at the desk and then, at the conclusion of the remarks of the Senator from Nevada, we proceed to the scheduled votes under a previous order. Then immediately following the last vote, this becomes the pending amendment.

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

The Senator from Nevada.

Mr. ENSIGN. Mr. President, Senator BYRD has offered an amendment virtually identical to a piece of legislation that I brought forward because he has the same concerns I have. When I took over the chairmanship of the Readiness Subcommittee, the staff briefed me on various hearings that they do traditionally during the year. One of the hearings, the information that we got at the hearing, this piece of legislation was trying to address. It was the reason I drafted it, because I had literally the identical concerns Senator BYRD has raised today. Nothing he has said have I disagreed with. This happened last year. We used to have one of these hearings a year. I have actually stepped them up to every 6 months. We have a hearing tomorrow in the Readiness Subcommittee on this very issue, as well as others on the business transformation for the military.

The military is a huge bureaucracy that none of us have our arms around. The military doesn't have its arms around its own bureaucracy. There are incredible inefficiencies. The problem is, you get one person in; they are there for a year, maybe two. They say they are going to be making changes. They have been promising to make changes for years. And then nothing happens.

Last year, I was ready to proceed with my legislation. I met with Secretary England, and he asked me for 1 year. He said: Give me a year. I am new in this position. Give me a year. If you are not satisfied at the end of that year, if we haven't made significant progress, then go forward with your legislation.

I reluctantly said: OK. You are new. I liked some of the ideas he was laying out. He was going in the right direction. I said, reluctantly: I will give you the year.

Tomorrow we are having a hearing to see at least what progress they have made in the last 6 to 8 months. Depending on what happens at that hearing—from some of the preliminary results we have received, there is some progress being made—we are going to delve into it much more deeply tomorrow, plus what we see over the next several months. If we are not satisfied, I will be the first person to join the Senator from West Virginia on this legislation next year to create this position.

The reason I thought this was good, that it was a good idea to make this change, was because to have somebody focused on the business goings on at the Department of Defense made good common sense to me. I didn't want to see another layer of bureaucracy created. But with the Deputy Secretary of Defense, I didn't see them focused on the business activities. I saw them focused on warfighting activities—all well and good. We want them focused on that. But these other duties seem to be neglected at the same time.

I commit to the Senator from West Virginia that I am absolutely willing to work with him on this, with the same goals in mind; that is, to reform our Defense Department to make it more efficient, more accountable, more transparent in the way that it actually performs business. It is never going to operate like a business, but we have to get it to operate more like a business than it does today.

I think the spirit of this amendment is absolutely right. I would ask that we would either go the direction of what Senator WARNER has suggested or at least wait until next spring, when we go for reauthorizing the Defense Department again next year, to address this issue, simply because I made that personal commitment to Acting Deputy Secretary Gordon England.

I would be more than happy to yield back or engage in a colloquy or whatever the Senator from West Virginia would like at this point.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, if the Senator will yield, I have great respect for the Senator. I am interested in what he said. Let us confer a little bit and think a little bit about this during the two votes that are about to take place. Perhaps we can find out what the Senator from Nevada and the Senator from Virginia have in mind. Perhaps we can work out something that will be in the best interest of the country. I would like to think about that. I thank the Senator. Let's just hold it in abeyance for a little while until after the votes, and then we will come back to it.

Mr. ENSIGN. I thank the Senator from West Virginia.

Mr. President, parliamentary inquiry: If I yield the floor, we go directly to the votes?

The PRESIDING OFFICER. There is 2 minutes evenly divided preceding the votes.

Mr. ENSIGN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Mr. President, I defer to my distinguished chairman.

AMENDMENT NO. 2424

Mr. WARNER. Mr. President, may I suggest the Senator go first, and then I would seek the opportunity for recognition to indicate that it is acceptable on this side. But if the Senator from Florida desires, I think there is good reason to have a rollcall vote as opposed to a voice vote.

Mr. NELSON of Florida. Mr. President, this amendment is all about the painful offsets of the Department of Defense survivor benefit plan against the Veterans' Affairs Department's dependency and indemnity compensation. This offset that we have in current law mistreats the survivors of our military who die on active duty and also mistreats our 100-percent disabled military retirees who purchase this benefit at the end of their career. It is wrong, we know it, and we are going to fix it. Taking care of widows and orphans is a cost of war. It is our solemn duty to take care of the widows and orphans.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that

there be printed in the RECORD a number of letters from military and veterans groups around the country.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILITARY OFFICERS ASSOCIATION OF AMERICA,
*Alexandria, VA, November 7, 2005.*

Hon. BILL NELSON,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR NELSON: I am writing on behalf of the 368,000 members of the Military Officers Association of America (MOAA) to pledge our support for your amendment, SA 2424, to the FY2006 Defense Authorization Bill. Your amendment would correct two major military Survivor Benefit Plan (SBP) inequities by (1) ending the unfair deduction of VA survivor benefits from military SBP annuities when military service causes an active duty or retired member's death and (2) moving up the effective date of 30-year, paid-up SBP coverage from October 1, 2008 to October 1, 2005.

MOM opposes Sen. John Warner's 2d degree amendment that would simply require a study of the SBP annuity deduction and drops the paid-up SBP initiative entirely.

MOM believes another study is not required to do what's right. We feel strongly that, when military service causes the member's death, the VA's payment of Dependency and Indemnity Compensation (DIC) should be considered just that—an additional indemnity for the service's role in the member's untimely death. It should be added to SBP, not substituted for it. Fewer than 3,500 of the 55,000 widows affected by the DIC offset are eligible for the new lump sum death benefit improvements leaving large numbers of survivors with an annuity of only $993 per month. Only survivors widowed after November 24, 2003 can transfer SBP eligibility to their children—this does nothing to help older survivors or those without children. Further, survivors who are financially compelled to take advantage of this temporary relief will be left at an even greater long-term disadvantage because they must forfeit all SBP eligibility when their children reach age 18. We should not be treating our survivors in this manner.

Similarly, older retirees need and deserve relief from the current 2008 effective date of paid-up SBP. The delayed effective date means that thousands of ''Greatest Generation'' retirees who have been paying into SBP since 1972 will have to pay up to 36 years of premiums, and will end up paying one-third more premiums than members who retired after 1978.

The time for action on your amendment is now. Failure to do so would do a disservice to the thousands of survivors and retirees who have waited years for relief from these two SBP inequities.

MOM is urging your colleagues, via a separate letters, to vote for your SBP amendment and oppose any effort to dilute or defer action on these long-overdue fixes for military widows and ''Greatest Generation'' retirees.

Sincerely,

NORBERT R. RYAN, JR.

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THE RETIRED ENLISTED ASSOCIATION,
*Alexandria, Virginia, November 7, 2005.*

Re: SA 2424 ending the SBP/DIC offset.

Hon. BILL NELSON,
*U.S. Senate,*
*Washington DC.*

DEAR SENATOR NELSON: The Retired Enlisted Association (TREA) is writing to strongly support your efforts to include amendment SA 2424 in the NDAA. Your amendment would finally correct the SBP's programs remaining deficiencies. It would end the unfair dollar-for-dollar DBP/DIC Offset and it would move up the paid up provisions of SBP to October 1, 2005. These are improvements that have been long in coming.

TREA is a nationwide VSO whose members served a career in the enlisted ranks and their spouses and survivors. Both provisions of your Amendment would greatly improve the situation of numerous of our members.

TREA knows how hard you and your staff have worked on this issue. And now that success seems close at hand the ''DOD's opposition paper'' is presented to the Senate. It is incorrect. TREA is, of course, well aware of both the mentioned substantial improvements in death benefits and the improvements in the basic SBP plan that were adopted last year. And we were very grateful for both actions. However these improvements do not help the vast majority of military widows who suffer under this offset.

Most of these widows' military spouses were seriously disabled in the service of their country. When they retired they enrolled in SBP (commercial plans not being an option for them due to their disabilities.) They now pay 6½ percent of their retired pay to protect their loved ones from being left penniless if they died of a non service connected disability.

But when they died of their service connected disability their survivors suffer a dollar for dollar offset on their SBP for their DIC. All their planning and financial sacrifice is ineffective due to the offset. The improvements in the SBP payments made last year do not help them. The active duty death improvements do not help them. These ladies are not helped by any of the changes Congress has made in the last few years. They should not be forgotten.

Many of TREA's members' survivors are harmed by this offset. They, like their Service member spouse dedicated their lives to the service of their country. They then dedicated their lives to caring for their disabled spouses. Their service should be acknowledged.

Your Amendment would also move up the paid up provisions to the beginning of this fiscal year. This would help elderly military retirees who have been paying into SBP for at least 30 years and who are at least 70 years old. In 2008 the paid up provisions will kick in but many will be paying 6 more years than intended. They have surely paid in a great deal more into SBP than their spouses will ever receive and your change can allow these dedicated men and women to live with a bit more comfort the next few years.

Again, TREA wishes to thank you and your staff for your dedicated work to support the men and women who dedicated their lives to the service of America's Military. We strongly support your efforts to have SA 2424 included in this year's NDAA.

Sincerely,

DEIRDRE PARKE HOLLEMAN, ESQ.,
*National Legislative Director,*
*The Retired Enlisted Association.*

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NATIONAL MILITARY FAMILY ASSOCIATION,
*Alexandria, VA, November 7, 2005.*

Hon. BILL NELSON,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR NELSON: On behalf of the National Military Family Association (NMFA) and the military families it serves, I thank you for introducing Senate Amendment 2424 to S. 1042, the FY 2006 National Defense Authorization Act. This amendment provides for certain fixes to the Survivor Benefit Plan (SBP). The survivors of servicemembers killed on active duty and those of military retirees, who died of service-connected injuries or illnesses, deserve the financial stability that would be provided through the provision to end the Dependency and Indemnity Compensation (DIC) offset to SBP. In addition elderly retirees, who have paid into SBP for more than thirty years, deserve relief now instead of paying additional premiums until 2008.

As we have stated in Congressional testimony this year, NMFA believes that ending the DIC offset to SBP is essential in protecting both the long and short-term financial security of military survivors, especially those of career servicemembers. Many of these survivors find their monthly family income decreases substantially following the servicemember's death, due in large part to the DIC offset to SBP. Widows of retirees, who die of service-connected illnesses or injuries, also experience a decrease in their benefit income following the retiree's death. In recent years, Congress has ended the VA disability pay offset of military retired pay for retirees with a VA disability rating of 50 percent and higher and provided for the phase-out of the age-62 offset to SBP. Full receipt of both SBP and DIC is just as important to survivors as full concurrent receipt of VA disability pay and military retired pay has been to retired servicemembers. The DIC offset to SBP affects the most vulnerable members of our military community: the surviving spouses of those who have given their lives for our country. While surviving spouses of active duty deaths, who are affected by the offset, have the option of choosing child-only SBP, they do so knowing their DoD SBP benefits will end as soon as their child reaches adulthood. Child-only SBP payments do not compensate for the lost income caused by the DIC offset.

We thank you for your efforts to protect the financial security of military families by sponsoring this legislation to eliminate the DIC offset of SBP. Military families today are called upon to make extraordinary sacrifices. Survivors have made the ultimate sacrifices. Thank you for your work to ensure our Nation provides the full benefits due them in recognition of that sacrifice.

Sincerely,

CANDACE A. WHEELER,
*Chairman/Chief Executive Officer.*

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NATIONAL ASSOCIATION FOR UNIFORMED SERVICES,
*Springfield, VA, November 7, 2005.*

Hon. BILL NELSON,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR NELSON: On behalf of the nearly 200,000 members and supporters of the National Association for Unifonned Service (NAUS), I would like to offer our full support for your amendment to S. 1042, the fiscal year 2006 National Defense Authorization Act, that would correct two important inequities faced by our military widows and our military retirees.

Your amendment would 1.) end the unfair dollar-for-dollar deduction of the Defense Department's Survivor Benefit Plan against the Veterans Department's Dependency and Indemnity Compensation; and 2.) accelerate the effective date of paid-up SBP coverage to October 1, 2005 from October 1, 2008.

Many military members and retirees have paid for SBP and have the most obvious of expectations to receive what was paid for. Surprisingly, that's not what happens. Under current law, SBP is reduced one dollar for each dollar received under DIC. In some cases survivors of retirees, upon eligibility for DIC, lose a majority—or all too often—the entire amount of their monthly SBP annuity.

NAUS also strongly opposes any effort to postpone an up-or-down vote on your amendment. In this regard, we oppose Sen. John Warner's 2nd degree amendment that would send the SBP issue to the Veterans Disability Benefits Commission for further study. Frankly, we are deeply disappointed in efforts to postpone doing what is right for military widows and orphans and older veterans who have paid SBP premiums in some cases for well over 30 years.

NAUS believes this matter already has been studied, restudied, examined and re-examined. No further study is required. Now is the time to act. And we urge you and your colleagues to do the right thing.

Sincerely,

RICK JONES,
*NAUS Legislative Director.*

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ASSOCIATION OF THE UNITED STATES ARMY,
*Arlington, VA, November 7, 2005.*

Hon. BILL NELSON,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR NELSON: On behalf of the more than 100,000 members of the Association of the United States Army (AUSA), I am writing to reinforce our support for your Survivor Benefit Plan (SSP) amendment (SA#762) to the Defense Authorization Bill. AUSA strongly opposes any effort to dilute or delay action on the fixes it proposes to the military SBP.

We understand that Senator Warner plans to introduce a ''second-degree'' amendment on Monday, 7 November, that would nullify your initiative to (1) end the unfair deduction of VA benefits for service-connected deaths from military survivors' SBP annuities and (2) accelerate the 2008 effective date for 30-year paid-up SBP coverage that now makes ''Greatest Generation'' retirees pay one-third more SBP premiums than similar servicemembers who retired since 1978.

The Warner amendment would drop any reference to the paid-up SBP fix and merely call for a study of the survivors' issue. Action on the two inequities in SA#762 is already long overdue, and military retirees and survivors need action to fix them now, rather than more delays, studies, and deferrals.

AUSA stands firm in support of your SBP amendment and opposes any and all efforts to dilute, defer, or nullify it.

Sincerely,

GORDON R. SULLIVAN,
*General, USA Retired.*

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AIR FORCE SERGEANTS ASSOCIATION,
*Temple Hills, MD, November 7, 2005.*

Hon. BILL NELSON,
*U.S. Senate, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR NELSON: On behalf of the 130,000 members of the Air Force Sergeants Association, I thank you for introducing Senate Amendment 2424 to S. 1042, the FY 2006 National Defense Authorization Act.

This amendment would end the Dependency and Indemnity Compensation (DIC) offset to SBP. These spouses of military members also served their nation, facing the rigors of that lifestyle, constantly being aware that their military spouse has agreed to the ultimate sacrifice. It is important to keep our Nation's promises to those who have served and sacrificed for our freedoms. That includes taking care of their survivors.

We are especially pleased that your amendment would accelerate the implementation date of the ''age 70, 30 years paid up'' provision from October 1, 2008, to October 1, 2005. This group of elderly retirees has been paying into SBP for more than thirty years. Without question, they deserve the immediate relief your amendment would provide.

During times of war it is importaut that a nation communicate its sincerity to take care of its service members. AFSA appreciates your leadership on this issue. Please let us know what we can do to help you advance this important legislation.

Sincerely,

JAMES E. LOKOVIC,
*Deputy Executive Director and Director of Military & Government Relations.*

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EANGUS,
*Alexandria, VA, November 7, 2005.*

Hon. BILL NELSON,
*U.S. Senate, Washington, DC.*

DEAR SENATOR NELSON: On behalf of the enlisted men and women of the Army and Air National Guard, we thank you for offering an amendment to the FY 2006 National Defense Authorization Act (NDAA) to address current inequities in the military Survivor Benefit Plan (SBP) program.

Your amendment will address the current dollar for dollar deduction of VA benefits for service-connected deaths from the survivors' SBP annuities. In the case of service members killed on active duty, a surviving spouse with children can avoid the dollar-for-dollar offset only by assigning SBP to her children. For retired members, we support your view that if military service causes a retired member's death, the Dependency Indemnity Compensation (DIC) the VA pays the survivor should be added to the SBP benefits the retiree bought and paid for, not substituted for them.

The Enlisted Association of the National Guard of the United States strongly supports your amendment to address these concerns. If I can be of further assistance, please don't hesitate to contact us.

Working for America's Best!

MSG (Ret.) MICHAEL P. CLINE,
*Executive Director.*

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UNIFORMED SERVICES DISABLED RETIREES,
*Las Cruces, NM, November 4, 2005.*

DEAR SENATORS: No bombastic prose, so let's cut to the chase. Please pardon the lack of formal addressing as this is being faxed to all 100 of you United States Senators.

Today, I learned that Sen. John Warner, Chairman of the Senate Armed Services Committee, will offer an amendment to the FY2006 Defense Authorization Sill that would defer action on two top USDR legislative goals for 2005—fixing two significant inequities concerning the military Survivor Benefit Plan (SBP).

Current law reduces SBP for survivors of members whose death was caused by military service. In those cases, the survivor is entitled to an annuity from the VA (currently $993 a month for a spouse), and the SBP payment is reduced by that amount. In other words, this is a ''widow's tax'' because it wipes out the SBP annuity. USDR believes that, if military service causes the member's death, the VA indemnity payment should be added to SBP, not substituted for it.

The other SBP inequity affects older retirees already enrolled in SBP. Congress passed a law in 1998 authorizing paid-up SBP coverage for retirees who have attained age 70 and paid SBP premiums for 30 years (360 payments). This would allow such retirees to stop paying premiums while retaining coverage for their spouses. But Congress delayed the effective date of that law until October 1, 2008, which thousands of retirees who enrolled in SBP in 1972 will have to pay premiums for 36 years—and end up paying about one-third more SSP premiums than similar members who retired after 1978.

Sen. Warner's amendment would negate an amendment proposed by Sen. Bill Nelson (D–FL) to end these two major SSP inequities as of October 1, 2005. The Warner amendment would cancel Sen. Nelson's proposals entirely and substitute language calling for a study of the VA/SBP issue. Dare say I that this is so much Equine Scatology?

These issues have been studied ad nauseum. There is no further need for more impotent studies. There is need for affirmative action.

Please vote NO on any amendments to study, delay, or cancel Sen. Nelson's proposed amendments to correct this gross inequity heaped upon our widows.

CHARLES D. REVIE,
*LTC, USAR, Retired, Legislative Director.*

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COMMISSIONED OFFICERS ASSOCIATION,
*Landover, MD, November 7, 2005.*

Hon. BILL NELSON,
*U.S. Senate, Senate Hart Office Building, Washington, DC.*

DEAR SENATOR NELSON: I am writing to support your SBP amendment (SA #762) to the 2006 Defense Authorization Bill. The Commissioned Officers Association of the U.S. Public Health Service most strongly opposes any effort to dilute or delay action on the fixes it proposes to the military Survivor Benefit Plan.

This Association is firmly opposed to Senator Warner's plans to introduce a ''second-degree'' amendment on Monday, 7 November, that would nullify your initiative to (1) end the unfair deduction of VA benefits for service-connected deaths from military survivors' SBP annuities and (2) accelerate the 2008 effective date for 30-year paid-up SBP coverage that now makes ''Greatest Generation'' retirees pay one-third more SBP premiums than similar servicemembers who retired since 1978.

Action on these two inequities is already long overdue and uniformed service retirees and survivors need action to fix them now, rather than more delays, studies, and deferrals.

COA and the entire Military Coalition urge you to stand firm with your SBP amendment and oppose any and all efforts to dilute, defer, or nullify it

Sincerely,

GERARD M. FARRELL,
*Captain, U.S. Navy (Ret.), Executive Director.*

Mr. JEFFORDS. Mr. President, I wish to express my support of Senator BILL NELSON's amendment to improve benefits for the survivors of America's servicemembers. This is a very important amendment that deserves the Senate's support.

Under current law, annuity payments received under the survivor benefit plan are reduced, dollar for dollar, by benefits received from the VA's dependency and indemnity compensation program.

This is not fair. Servicemembers pay into the survivor benefit plan and they expect that their surviving spouse and children will receive these benefits upon their death. But if the servicemember's surviving spouse is also entitled to dependency and indemnity compensation, then the benefits of the survivor benefit plan are significantly reduced.

Families who have lost a servicemember often face a very difficult future. Military death benefits are a significant help but often fall far short of providing for a secure future for a family. To further reduce a family's income by offsetting survivor benefit

plan benefits seems cruel. This amendment would end this offset. It is imperative that we do so now.

Enactment of this amendment would also correct another injustice. Congress has authorized military retirees who reach 70 years of age and who have paid survivor benefit plan premiums for at least 30 years to retain coverage while ceasing any further premium payments. Unfortunately, the effective date of this provision has been pushed out to October 1, 2008. This forces retirees to continue paying these premiums, even though, in some instances, they have been paying premiums for 36 years. This amendment would remove this unfair requirement and allow military retirees who have paid great amounts into their annuity plan to cease their payments after 30 years, just as Congress intended.

Passage of this amendment is urgent. The families of deceased servicemembers are dealing with a great deal of stress. They need the financial benefit provided by this amendment. Military retirees, likewise, deserve the relief now that Congress intended to give them.

It has been suggested that we postpone action on this matter until after the Commission on Veterans' Disability Compensation can study the larger issue of disability compensation. While the work of the Commission is very important, it is clear to me that the benefits provided by this amendment are of paramount importance and should not wait for the conclusion of a more exhaustive study of the disability compensation system. We must stand four-square behind those who have given their life for their country and behind those who have served their country for their entire career.

I urge my colleagues' support for the Nelson amendment.

Mr. LEVIN. Mr. President, I ask unanimous consent that I may proceed for 2 minutes in support of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

I commend the Senator from Florida. He has been a passionate supporter of this cause for so long. He has had some success but not the full success which he deserves and which the widows and orphans in this country deserve and which the survivors and our disabled people in this country deserve, people who have given so much. So I want to add my voice in support. I think a strong vote will make the Senate more able to maintain this position in conference with the House.

I congratulate and thank the Senator from Florida, Mr. NELSON, for his tenacity on this issue.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I again join my colleague from Michigan and our distinguished colleague, a member of the committee. As the Senator says, it is all about veterans, and this is a most deserving class. This is the group that has done a minimum of 20 years, and a loyal spouse that has gone through all of the challenges that face families in career military service.

This is something that has been studied in the Congress for a very long time. It is the subject of a study now. As a matter of fact, it is going to be the centerpiece of a study. As you know, Mr. President, we have the commission on the future of the Guard and Reserve and retirees, and so forth, constituted by the Congress, which has now had its first meeting.

So I urge colleagues on this side of the aisle to follow my lead and support the amendment of the Senator from Florida.

There was a time in which I thought I would try to work on a second-degree amendment. In consultation with a wide range of my colleagues who have expressed strong support, as I have, we decided not to do that. And then there was the thought about, you know, it is a technical thing under the Budget Act. But I don't think it is appropriate to go through that exercise.

So I suggest to all Members of the Senate to give a ringing endorsement to this amendment, and I will be among those to cast the first ''yea'' vote.

Again, I congratulate my colleague.

Mr. NELSON of Florida. I thank the Senator.

Mr. WARNER. Mr. President, under regular order, if the yeas and nays have not been ordered, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, do we have two votes now scheduled?

Mr. WARNER. We do.

I think perhaps we should ask for the yeas and nays on the Snowe amendment at this time.

Mr. LEVIN. Will that be a 10-minute vote?

Mr. WARNER. That will be a 10-minute vote on that amendment.

The PRESIDING OFFICER. Without objection, it is in order to request the yeas and nays on the amendment at this time.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. WARNER. Under the original order, we were to have the Byrd amendment which would experience the full length of time for an amendment. This was subject to 10 minutes. I think we had better reconstitute that UC to say that this amendment will be given the full 15 minutes, the Snowe amendment to have the 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I will not, of course, has the Byrd amendment either been adopted—

Mr. WARNER. It is laid aside temporarily to come up at the conclusion of the Snowe amendment. And then, of course, prior to the Senate addressing a vote on the Snowe amendment, there will be 2 minutes for each side to address that amendment. I thank the Chair.

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

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 307 Leg.]

YEAS—93

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

NAYS—5

| | | |
|---|---|---|
| Allard | DeMint | Voinovich |
| Coburn | Sessions | |

NOT VOTING—2

| | |
|---|---|
| Corzine | McCain |

The amendment (No. 2424) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. SCHUMER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2441

Mr. REID. Mr. President, I have an amendment that I send to the desk.

The PRESIDING OFFICER. Is there objection to the consideration of the amendment?

Mr. WARNER. Mr. President, there is no objection. We have examined the amendment. It is a technical amendment that is needed by the Department of Defense to administer this program and the Department of Veterans Affairs.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2441.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide that veterans with service-connected disabilities rated as total by virtue of unemployability shall be covered by the termination of the phase-in of concurrent receipt of retired pay and veterans disability compensation for military retirees)

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

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

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

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

Mr. REID. Mr. President, I rise today on behalf of our Nation's veterans to once again discuss the unfair, outdated policy of ''concurrent receipt.'' It is an issue I have talked about on this floor many times.

Concurrent receipt is a policy which prevents veterans from receiving the full pay and benefits they have earned. Many Senators have joined me in fighting this policy over the years, and we have made some progress on behalf of our veterans.

In 2003, the Congress passed legislation which allowed disabled retired veterans with at least a 50 percent disability rating to become eligible for full concurrent receipt benefits over a 10-year period. This was a significant victory that put hundreds of thousands of veterans on the road to receiving both their retirement and disability benefits.

Last year, we made a little more progress. I joined with Senator LEVIN and others, and we were able to eliminate the 10-year phase in period for the most severely disabled veterans, those with a 100 percent disability rating.

As we noted at that time, the 10-year waiting period is particularly harsh for these veterans, some of whom would not live to see their full benefits restored over the 10-year period, and others who could not work a second job and were in fact considered ''unemployable.'' So we passed legislation to end the waiting period and provide some relief to these deserving, totally disabled veterans.

Unfortunately, as I noted on this floor a few months ago, the administration has failed to implement our legislation. Instead of eliminating the waiting period for veterans who are 100 percent disabled, they have eliminated it only for some.

They have created two categories of disabled veterans. If you are rated as ''totally disabled,'' you do not have to wait. You get 100 percent of your benefits today. But if you are rated as ''unemployable,'' you still have to wait.

This is not what we intended when we passed legislation last year. And earlier in this session, a number of Senators and I sought to correct this disparity.

We passed a sense of the Senate resolution that clearly expressed our intentions: all completely disabled veterans should have their benefits restored immediately. This was not an attempt to make law, but merely to express what my colleagues on both sides of the isle intended when we passed legislation last year.

Unfortunately, the majority-controlled conference committee removed this resolution. So today, veterans rated as ''unemployable'' continue to face this delay.

This is not a partisan issue. These veterans do not have 10 years to wait for the full phase in of their benefits. It is time for the administration to stop playing games and start honoring these veterans service.

For all other purposes, both the VA and the Defense Department treat ''unemployables'' exactly the same as those with a ''totally disabled'' ratings.

In fact, these unemployables must meet a criterion that not even the 100 percent-rated disability retirees have to meet. They are certified as unable to work because of their service-connected disability. The administration pays equal combat-related special compensation to both categories.

Yet, the administration is discriminating unemployables and 100 percent disabled retirees with non-combat disabilities in flagrant disregard for the letter of the law as interpreted its own legal counsel.

So once again, I rise on these veterans' behalf. Today I introduce amendment No. 2441, legislation which explicitly ends the 10-year waiting period for the most disabled veterans.

The time to act is now.

I hope my Republican colleagues will join me in supporting this bill. These veterans have faced arbitrary discrimination long enough. We must pass this legislation, so that these veterans can get the benefits they deserve.

THE PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment.

The amendment (No. 2441) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2436

Mr. WARNER. Mr. President, we will now return to the vote on the Snowe amendment, am I correct?

The PRESIDING OFFICER. The Senator is correct. There are 2 minutes evenly divided.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Yes, they have.

The Senator from Maine.

AMENDMENT NO. 2436, AS MODIFIED

Ms. SNOWE. Mr. President, I ask unanimous consent to modify my amendment with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 2436), as modified, is as follows:

On page 5, after line 16, insert the following:

(e) NO EFFECT ON CERTAIN PROPERTY INTERESTS.—Nothing in this section or the amendments made by this section shall be construed to affect any reversionary interest, remainder interest, executory interest, right of entry, or possibility of reverter held in real or personal property at a military installation closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

Mr. SNOWE. Mr. President, the amendment that I and Senator COLLINS have offered, which is cosponsored by Senators WYDEN, CORZINE, and LANDRIEU, would require that, when making determinations concerning the transfer of property at installations to be closed or realigned under the current BRAC round, the Secretary of Defense must first offer that property to the affected communities—and if they accept the offer—transfer it to those communities free of cost.

It is a perverse situation when communities that have already contributed toward the more than $200 billion spent on the war in Iraq—$28.5 billion of which was spent on redevelopment efforts in that country—and now face base realignments or closures—are being told that, if they want property for economic recovery, they will have to buy it at fair market value.

Our communities should be in the driver seat concerning their economic development, but that is not what current statute allows—instead, putting these irrevocable decisions in the hands of the Department of Defense. Our amendment puts the priority where it belongs—with our towns and cities, not a Federal bureaucracy.

Now, some have argued the amendment would change a time-tested framework of laws that dictate how properties should be transferred following a base closure or realignment and that ensure that all base rounds are treated consistently. I say Defense Base Closure and Realignment Act is not sacrosanct—it has changed many times in the past—and will again. In fact, for the first time ever, the Secretary of Defense is mandated to seek fair market value, in the case of an economic development conveyance to a community for redevelopment purpose.

Now that's a change that should engender concern!

Opponents also expressed concerns that the amendment would in some way affect existing reversionary interests in deeds, which provide that upon a closure or realignment, installation property would revert back to a community interest. We have modified it today, clarifying that nothing in the amendment shall be construed to affect any reversionary interest in property at the installation.

As for protecting the pre-existing rights of Native Americans my friend and colleague, Senator WARNER, was correct in noting that my amendment contains a provision explicitly retaining those rights.

Additionally, the amendment would not inhibit various military or Federal agency uses of this property—or impede public benefit transfers for schools or parks. Communities would retain the ability to proceed with such opportunities, if they deem them beneficial. Conversely, if there is a use that a community drastically opposes, like an oil refinery prison—it should have the ability to oppose it . . . which the amendment allows. Still, the amendment does contain an exception providing the Secretary of Defense the authority to make transfers in the national security interest of the United States.

Finally, to suggestions that base property is owned by the entire nation, and that it is not necessarily fair to provide it to affected communities, I could not disagree more.

According to the Government Accountability Office, the DoD has saved as a result of BRAC closures—about $28.9 billion in net savings through fiscal year 2003 from the prior four closure rounds, and is projected to save $7 billion annually thereafter. While the entire Nation can financially benefit from these savings associated with BRAC closures, it is crucial to note that the negative impacts of base closures are disproportionately and unfairly borne by the communities where bases have closed. That is why it is a responsible course of action for the government to provide these communities with the tools and resources, such as required no-cost economic development conveyances, needed to recover from a closure.

The modification to the amendment that I offered yesterday would address the concerns raised about whether my amendment would have changed reversionary interests in deeds, which would provide that upon closure and realignment, installation property would revert back to a community interest. We have modified it today, clarifying that nothing in the amendment shall be construed to affect any reversionary interest in property at the installation, and that was to address some of the concerns raised with respect to my amendment.

To remind Members, the amendment I am offering today, on behalf of myself, Senator COLLINS, Senator LOTT, Senator LANDRIEU, Senator WYDEN, and Senator CORZINE, would allow for the free transfer of closed military bases to communities directly affected rather than allowing the Secretary of Defense to demand fair market value.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator's time has expired.

Who yields time in opposition?

Mr. WARNER. Mr. President, I speak in strong opposition to this amendment. I thank the Senator from Maine for accepting a number of the problems that I described yesterday, but there still exists an enormous number of problems associated with this amendment.

For 16 years and five BRAC rounds, we have tried, in an equitable way, to work with the communities and return these properties. On occasion, they have been sold and funds given to the Department of Defense, put in an escrow account in the Treasury for expenditure of cleanup of other sites and associated costs connected with the transfer of properties and the conclusion and implementation of the BRAC decisions. This would wipe out that whole framework of legislation that has been passed by this body and has effectively worked for the communities for all of these years. We simply cannot, at this point in time, accept this type of change in our statutory framework as a matter of equity.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I too object to the amendment. It is inflexible. It provides no possibility that no matter how valuable——

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announcd—yeas 36, nays 62, as follows:

[Rollcall Vote No. 308 Leg.]

YEAS—36

| | | |
|---|---|---|
| Bayh | Harkin | Obama |
| Bond | Hutchison | Pryor |
| Cantwell | Inouye | Roberts |
| Clinton | Jeffords | Schumer |
| Coleman | Kerry | Smith |
| Collins | Kohl | Snowe |
| Conrad | Landrieu | Stabenow |
| Dodd | Lautenberg | Sununu |
| Dorgan | Lincoln | Talent |
| Durbin | Lott | Thune |
| Gregg | Mikulski | Vitter |
| Hagel | Murray | Wyden |

NAYS—62

| | | |
|---|---|---|
| Akaka | Allard | Baucus |
| Alexander | Allen | Bennett |
| Biden | Dole | Martinez |
| Bingaman | Domenici | McConnell |
| Boxer | Ensign | Murkowski |
| Brownback | Enzi | Nelson (FL) |
| Bunning | Feingold | Nelson (NE) |
| Burns | Feinstein | Reed |
| Burr | Frist | Reid |
| Byrd | Graham | Rockefeller |
| Carper | Grassley | Salazar |
| Chafee | Hatch | Santorum |
| Chambliss | Inhofe | Sarbanes |
| Coburn | Isakson | Sessions |
| Cochran | Johnson | Shelby |
| Cornyn | Kennedy | Specter |
| Craig | Kyl | Stevens |
| Crapo | Leahy | Thomas |
| Dayton | Levin | Voinovich |
| DeMint | Lieberman | Warner |
| DeWine | Lugar | |

NOT VOTING—2

| | |
|---|---|
| Corzine | McCain |

The amendment (No. 2436), as modified, was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I understand we will now proceed to a brief colloquy between colleagues on both sides of the aisle with regard to the Levin amendment. That colloquy should, in total, not exceed about 10 or 11 minutes, and then we will proceed to a rollcall vote. At this time, shall we ask for the yeas and nays on the Levin amendment?

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I talked to the manager, the chairman of the committee, about this. I ask unanimous consent there be 6 minutes allotted on our side in support of the amendment and that 3 minutes be allotted to the Senator from Virginia and that we then vote by no later than 25 to 6.

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

Mr. WARNER. Mr. President, may I remind colleagues we will try to maintain this as a 15-minute vote because thereafter we have a vote on the amendment of the Senator from Rhode Island and we want not to inconvenience several Members who have very legitimate reasons to not be present after these two votes.

Mr. BYRD. Mr. President, I was hoping we would have a vote on the amendment which I had offered earlier, or in relation thereto, a rollcall vote.

Mr. WARNER. On our side, we would be happy to accommodate that vote following the vote on the amendment of the Senator from Rhode Island.

Mr. LEVIN. Is it my understanding the Senator from West Virginia would accept a voice vote?

Mr. BYRD. No.

Mr. WARNER. I want to make it known now that the Senator from West Virginia has substantially revised his amendment in accordance with recommendations, if I may say with a

sense of humility, that I made. He fully adopted those. I am going to support the amendment strongly, so it should be a very swift vote. No further debate would be required except for maybe a minute for you and a minute for me.

Mr. BYRD. Will that occur this day?

Mr. WARNER. Mr. President, I ask unanimous consent that following the 10-minute vote on the matter raised by the Senator from Rhode Island that we proceed to a third vote of 10 minutes on the amendment of the distinguished Senator from West Virginia.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I wonder if the Senator from West Virginia would modify that so that the vote on the Byrd amendment would come immediately after the vote on my amendment and then we would proceed to the vote on the Reed-Levin amendment?

Mr. WARNER. I have no objection.

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

The Senator from Michigan.

AMENDMENT NO. 2430

Mr. LEVIN. I ask unanimous consent that Senators LAUTENBERG, FEINSTEIN, BIDEN, and AKAKA be added as cosponsors of amendment No. 2430.

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

Mr. LEVIN. Mr. President, this is an amendment that would create an independent commission that would look into allegations of detainee abuses. I yield myself 2 minutes and then I will yield 2 minutes to the Senator from Delaware and then 2 minutes to the Senator from Illinois, if he is here.

There are major gaps in the investigation which has taken place so far. We have heard a lot about the number of hearings that have been held. We have heard that 12 major investigations have taken place, 30 open hearings, 40 closed hearings, and so forth. None of the hearings, none of the investigations, have gotten to five areas. These are huge gaps, and we cannot sweep these gaps under the rug.

No. 1, none has looked at the role of the intelligence community, the CIA role, secret prisons, ghost detainees. It is a huge area which needs to be focused on.

No. 2, the Government policy on renditions, there has been no review of this.

No. 3, the role of contractors, there has been no investigation of the role of contractors.

No. 4, the legality of interrogation techniques, there has been no assessment of the legality of interrogation techniques.

There are two memos we have not been able to obtain that an independent commission with subpoena power could obtain, the second so-called Bybee memo and the March 3 memo from Mr. Yoo to the Department of Defense. They set forth what is allowed in terms of interrogation techniques. We cannot get those memos. An independent commission, a bipartisan commission based on the 9/11 model, could get those memos. They are critically important. And there are additional outstanding document requests which have been ignored.

This matter cannot be swept under the rug. No matter how many hearings have been held, there are major gaps that exist in reviewing this matter. We owe it to our troops, the men and women who wear the uniform for the United States, that we get the full picture and get it behind us. That is what is essential to restore the credibility of this Nation as well as to support the men and women who someday may be captured by our enemy, and we sure don't want any enemy of ours to ever cite that we ignored the violations that apparently have existed.

I now yield 2 minutes to the Senator from Illinois and then 2 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I rise in strong support of this amendment, and I am honored to be an original cosponsor.

We owe this to our troops. Anyone who came to the Chamber and heard the speech given by Senator JOHN MCCAIN about an amendment which he offered to the Defense appropriations bill will understand it was a historic statement. Senator MCCAIN, a prisoner of war in Vietnam and a person who was the victim of torture, said it was imperative that we make it clear to our troops what the standard of conduct would be.

What Senator LEVIN has done is to call together an inquiry as to whether we have violated this standard in the past and what the standard will be for the future. When we receive correspondence from our troops, who are risking their lives for America today, begging us to not only stand up for American values but to do it with clarity, we owe them that responsibility.

When the President announces in South America that we are opposed to torture while the Vice President is carving out exceptions for torture in legislation before Congress, there is no clarity.

Senator LEVIN and his leadership will bring us to clarity and to honesty, consistent with the American values which our troops are fighting to defend.

I yield the floor.

Mr. BIDEN. Mr. President, back in January I used a similar amendment for the first bill I introduced this year. There is a simple reason for it: It is more clear it is needed now. We have to take this out of politics. As long as we are involved, we will argue this about Democrat-Republican. It is not about Democrat-Republican. The world has changed. It has changed utterly.

The fact is we need a clear-eyed assessment of where we are in this changed world. This is a lot less about them—that is, the prisoners and the terrorists. It is much more about us and our troops. I wonder what happens the first time an American troop is captured anywhere in this or a future war and turned over to the secret police of that country, taken to a spot that no one knows, one that is clandestine. I wonder what happens then.

It is all about where we stand as a nation, about our values. We are in, as everyone says in this Senate, a battle for the hearts and minds of 1.2 billion people who share a different religion and maybe a different point of view. We are hurting, not helping, our troops. We are hurting, not helping, our cause. We have to have a clear-eyed resolution of it. The clearest way to do this is through a commission.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I stand in opposition to the amendment for many reasons which I have stated on three previous occasions, including early this morning addressing this amendment.

The distinguished Senator from Delaware talked about looking forward to our troops. I draw the attention of colleagues to Defense Department directive No. 3115.09 issued on the 3rd of November of this year in which they set forth the new regulations and rules with regard to treatment of prisoners. The directive provides overarching policy to the Department. It codifies existing departmental studies, including the requirement for humane treatment of captured or detained persons during intelligence interrogation and questioning, assigns responsibilities for interrogation planning and training, and establishes requirements for reporting violations of the policy regarding humane treatment.

Section 3443 is a directive addressing some specific abuse detailed in past investigations. The directive specifically requires the Central Intelligence Agency interrogation must follow Pentagon guidelines when questioning military prisoners and that a DOD representative be present. Further, this release should be followed by the revision of the Department of the Army Field Manual which is the subject of the McCain amendment, which I strongly support, on interrogations which this Senate overwhelmingly directed become the U.S. standard as part of the amendment proposed by Senator MCCAIN.

Our Government collectively is moving in the right direction to correct the problems of the past, clearly, such that the whole world knows how our Nation stands against this type of abuse that occurred in the past. I strongly urge our colleagues not to start up another commission in the middle of our war in Iraq and Afghanistan, and for the next year or 18 months begin to go over the material which this Senate time and time again has addressed in debates, on which our Committees on Foreign Affairs, Intelligence, and Armed Services have reviewed this question with some dozen investigations conducted by our

Government, largely the Department of Defense.

I yield the floor.

ORDER OF PROCEDURE

I have an agreement regarding future votes so Senators can make their plans. I ask consent following debate on the Levin amendment, which is now concluded, Senator REED be recognized to speak for not more than 5 minutes in relation to his amendment; further, that following the statement, the Senate proceed to a series of stacked votes in relation to the following amendments: Levin amendment 2430; Byrd amendment 2442, as modified; and the Reed amendment 2427.

There is no time here for Senator BYRD. I amend this to allow 2 minutes by Senator BYRD and a minute by the Senator from Virginia who intends to support Senator BYRD.

Further, provided that no second degrees be in order to the amendments prior to the votes. Finally, there be 2 minutes equally divided between the votes.

Mr. LEVIN. There is an objection.

We reversed the order, No. 1, and there needs to be time for debate before one of those amendments. I urge there be a unanimous consent agreement entered into now that after this vote we proceed immediately to a vote on the Byrd amendment, and between this vote and the vote on the Byrd amendment, we work out an agreeable unanimous consent.

Mr. WARNER. We will now proceed to the debate on your amendment.

Mr. LEVIN. The vote on my amendment immediately as we agreed upon, and then we go immediately to the Byrd amendment. Between the vote here on my amendment and the Byrd amendment, we work on a unanimous consent relative to the other amendment.

Mr. WARNER. In no event would we lose the opportunity to have the votes.

Mr. LEVIN. I hope not, but we have not agreed with that yet. We have to clear that with our leader.

Mr. REED. There was initially a 5-minute opportunity for me to speak on my amendment. Will that take place immediately or be postponed until after the vote on the Levin amendment?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I will restate the unanimous consent request in the hopes it can be agreed to.

I ask consent that following debate on the Levin amendment—that debate has taken place—we go to the Byrd amendment. That would require 2 minutes by the Senator from West Virginia, 1 minute by the Senator from Virginia, following the vote on the Levin amendment, and then we proceed to the Reed amendment with 5 minutes on both sides with regard to debate prior to the vote on the Reed of Rhode Island amendment.

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

The question is on agreeing to the Levin amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) is necessarily absent.

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

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—43

| | | |
|---|---|---|
| Akaka | Feingold | Mikulski |
| Baucus | Feinstein | Murray |
| Bayh | Harkin | Nelson (FL) |
| Biden | Inouye | Obama |
| Bingaman | Jeffords | Pryor |
| Boxer | Johnson | Reed |
| Byrd | Kennedy | Reid |
| Cantwell | Kerry | Rockefeller |
| Carper | Kohl | Salazar |
| Clinton | Landrieu | Sarbanes |
| Conrad | Lautenberg | Schumer |
| Dayton | Leahy | Stabenow |
| Dodd | Levin | Wyden |
| Dorgan | Lieberman | |
| Durbin | Lincoln | |

NAYS—55

| | | |
|---|---|---|
| Alexander | DeWine | Murkowski |
| Allard | Dole | Nelson (NE) |
| Allen | Domenici | Roberts |
| Bennett | Ensign | Santorum |
| Bond | Enzi | Sessions |
| Brownback | Frist | Shelby |
| Bunning | Graham | Smith |
| Burns | Grassley | Snowe |
| Burr | Gregg | Specter |
| Chafee | Hagel | Stevens |
| Chambliss | Hatch | Sununu |
| Coburn | Hutchison | Talent |
| Cochran | Inhofe | Thomas |
| Coleman | Isakson | Thune |
| Collins | Kyl | Vitter |
| Cornyn | Lott | Voinovich |
| Craig | Lugar | Warner |
| Crapo | Martinez | |
| DeMint | McConnell | |

NOT VOTING—2

| | |
|---|---|
| Corzine | McCain |

The amendment (2430) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Under the previous order, the Senate turns its attention to the amendment by the Senator from West Virginia, with 2 minutes of debate on either side, a 10-minute vote, to be followed by the Reed amendment, 5 minutes by the Senator from Rhode Island, and 2 or 3 minutes to the Senator from Virginia. Then that is a 10-minute vote.

AMENDMENT NO. 2442, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia has 2 minutes, and the Senator from Virginia has 1 minute.

The Senator from West Virginia.

Mr. BYRD. Mr. President, the Pentagon continues to have massive management problems. The GAO believes that billions of taxpayer dollars could be saved each year, if these problems can be straightened out. This modification to my amendment would require an expedited study on whether there should be a Deputy Secretary of Defense for Management to take charge of fixing the Pentagon's accounting problems. I thank the cosponsors of my modified amendment: Chairman WARNER, Senator ENSIGN, Senator AKAKA, and Senator LAUTENBERG. I am encouraged by Chairman WARNER's intention to hold further hearings in the Armed Services Committee once these reports are submitted to Congress.

Fixing the pervasive—I mean pervasive—accounting problems at the Department of Defense will require more hearings, more oversight, and more accountability. I took note of this some years ago when Secretary Rumsfeld first appeared before the Armed Services Committee. He admitted there was a problem, a very difficult problem. He indicated he was going to do something about it. I think he needs help.

I look forward to working with my colleagues in the coming months to set the Pentagon on an accelerated track for reform.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I strongly urge colleagues to support the Byrd-Warner amendment. I am the principal cosponsor. I commend my distinguished colleague from West Virginia. The Department of Defense was established in 1947, over a half century ago. It has served the Nation well, but there have been many changes. This will give the Armed Services Committee, the Government Operations Committee, perhaps other committees of Congress, a chance to take a good look at that Department and how best, if necessary, to restructure it to meet the future challenges before us.

I thank the Senator from West Virginia. I urge all Senators to vote in favor of the amendment.

Mr. BYRD. I thank the Senator from Virginia.

Mr. LEVIN. I ask unanimous consent that I be added as a cosponsor to the Byrd amendment, and I congratulate him on trying to address a problem which is endemic. It seems perpetual. I believe it is going to take all the energy of this body and the other body to force them to make the kind of changes this could lead to. I congratulate the Senator.

Mr. BYRD. I thank the distinguished senior Senator from Michigan.

The PRESIDING OFFICER. Does the Senator seek to modify the pending amendment?

Mr. BYRD. Yes, the modification is at the desk.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

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

**SEC. ____. REPORT ON ESTABLISHMENT OF A DEPUTY SECRETARY OF DEFENSE FOR MANAGEMENT.**

(a) Not later than 15 days after the enactment of this Act, the Secretary of Defense

shall select two Federally Funded Research and Development Centers to conduct independent studies of the feasibility and advisability of establishing a Deputy Secretary of Defense for Management. Each study under this section shall be delivered to the Secretary and the congressional defense committees not later than March 15, 2006.

(b) CONTENT OF STUDIES.—Each study required by this section shall address—

(1) the extent to which the establishment of a Deputy Secretary of Defense for Management would:

(A) improve the management of the Department of Defense;

(B) expedite the process of management reform in the Department; and

(C) enhance the implementation of business systems modernization in the Department;

(2) the appropriate relationship of the Deputy Secretary of Defense for Management to other Department of Defense officials;

(3) the appropriate term of service for a Deputy Secretary of Defense for Management; and

(4) the experience of any other federal agencies that have instituted similar management positions.

(c) For the purposes of this section, a Deputy Secretary of Defense for Management is an official who—

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

(2) is the principal advisor to the Secretary of Defense on matters relating to the management of the Department of Defense, including defense business activities, to ensure department-wide capability to carry out the strategic plan of the Department of Defense in support of national security objectives; and

(3) takes precedence in the Department of Defense immediately after the Deputy Secretary of Defense.

Mr. WARNER. My understanding is the yeas and nays have been ordered on the amendment, as modified.

The PRESIDING OFFICER. They have not been ordered.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—97

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

NOT VOTING—3

| | | |
|---|---|---|
| Corzine | Lautenberg | McCain |

The amendment (No. 2442), as modified, was agreed to.

AMENDMENT NO. 2427

Mr. WARNER. Mr. President, under the regular order, the Senate will now proceed with the Reed of Rhode Island vote, with 5 minutes for the Senator from Rhode Island and 3 to 4 minutes for the Senator from Virginia.

The PRESIDING OFFICER. The Senator is correct. There is 10 minutes equally divided on amendment No. 2427. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, this amendment would transfer $50 million from the Missile Defense Program to the Cooperative Threat Reduction Program which is designed to secure nuclear materials and nuclear weapons in countries around the globe, principally the former Soviet Union.

A few facts I think are in order.

First, with respect to missile defense funding, in the emergency supplemental appropriations bill for the global war on terror, there was an additional $50 million appropriated that was not required or asked for by the Agency. With this money, even with this amendment, the Agency still would have sufficient money to carry out its programmed operations for this year. Again, we are just transferring $50 million from this rather expensive program overall.

Let me briefly recap where we are with respect to the program.

The administration has already requested and Congress has provided funds for 30 interceptors. There are nine already in the ground. There are others being constructed. There are 21 that are in some aspect of construction. Yet in the fiscal year 2006 budget, there is a request for 10 additional operational interceptors, plus 8 test interceptors, for 18 in all. Again, these are in addition to the 30 interceptors that are already planned for.

In addition to that, I must point out that the production rate capacity for these interceptors is 12 per year. So we are asking for more missiles than can be produced in 1 year. So there are ample funds with respect to missile defense. We are asking for more missiles than can be produced in 1 year—many more missiles than can be produced. This is a situation that I believe calls for readjustment of funds, moving it to another compelling need.

One of the compelling needs I urge on my colleagues is to fund the Cooperative Threat Reduction Program. President Bush and President Putin met in Bratislava months ago and created a unique opportunity for additional funding of the Cooperative Threat Reduction Program. This meeting took place after preparation of the budget. So moving $50 million from missile defense to the Cooperative Threat Reduction Program will allow this country to carry out the pledge President Bush made to President Putin to more aggressively secure 15 additional sites.

There is one final point I would like to make. There is often the argument, well, we shouldn't fund the Cooperative Threat Reduction Program because there are so many unobligated funds; they can't use the money. In August of this year, the Missile Defense Program had $844 million in unobligated funds. If the Missile Defense Agency has $844 million in unobligated funds, I don't think anyone would stand up immediately and say they can't use it, don't need it, et cetera. The same goes for the Cooperative Threat Reduction Program. We have needs out there. The greatest threat to face this country, in my view, is the combination of terrorists and nuclear materials. We are going after the terrorists. We have to also aggressively go after nuclear materials. We can do this.

This is a very modest transfer of funds for a program that is vitally important to fulfill the pledge that the President made with President Putin, and it will not in any way impair the funding available for missile defense.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, in opposition to the amendment, I bring to the attention of our colleagues that the CTR Program, of which our distinguished colleague from Indiana, Mr. LUGAR, was the principal author and sponsor, is fully funded at the budget request of $415.5 million. There still remains an unobligated balance of $107 million from the 2005 funds. So this category of our important work is fully funded and moving ahead on its schedule of expenditures.

In contrast, the Missile Defense Program this year took a $1 billion cut as part of the internal DOD budget deliberations, and missile defense is also reduced by $5 billion over the period 2006 to 2011. By adopting the Reed amendment, we would have a fracture in the long-lead funding, resulting in a production break which, on the assumption it would be restarted, would cost the taxpayers another $270 billion.

Mr. President, I say to my colleagues, I have a sheet here that shows how three consecutive times this

Chamber has voted basically on this amendment and defeated it. A $500 million cut by Senator LEVIN was defeated in June of 2004 by 56 votes, followed by a Boxer amendment limiting deployment of ground-based interceptors, defeated by 57 votes, and a Reed amendment again defeated by 53 votes—incidentally, all of those having some measure of bipartisan support. So we are revisiting the same issue.

I strongly recommend to my colleagues that this amendment not be adopted.

Have the yeas and nays been ordered, Mr. President?

The PRESIDING OFFICER. They have not been ordered.

Mr. WARNER. I so request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) are necessarily absent.

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

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—37

| | | |
|---|---|---|
| Biden | Feinstein | Murray |
| Bingaman | Harkin | Nelson (FL) |
| Boxer | Jeffords | Obama |
| Byrd | Johnson | Pryor |
| Cantwell | Kennedy | Reed |
| Carper | Kerry | Reid |
| Chafee | Kohl | Rockefeller |
| Clinton | Landrieu | Sarbanes |
| Conrad | Leahy | Schumer |
| Dodd | Levin | Stabenow |
| Dorgan | Lincoln | Wyden |
| Durbin | Lugar | |
| Feingold | Mikulski | |

NAYS—60

| | | |
|---|---|---|
| Akaka | Dayton | Martinez |
| Alexander | DeMint | McConnell |
| Allard | DeWine | Murkowski |
| Allen | Dole | Nelson (NE) |
| Baucus | Domenici | Roberts |
| Bayh | Ensign | Salazar |
| Bennett | Enzi | Santorum |
| Bond | Frist | Sessions |
| Brownback | Graham | Shelby |
| Bunning | Grassley | Smith |
| Burns | Gregg | Snowe |
| Burr | Hagel | Specter |
| Chambliss | Hatch | Stevens |
| Coburn | Hutchison | Sununu |
| Cochran | Inhofe | Talent |
| Coleman | Inouye | Thomas |
| Collins | Isakson | Thune |
| Cornyn | Kyl | Vitter |
| Craig | Lieberman | Voinovich |
| Crapo | Lott | Warner |

NOT VOTING—3

| | | |
|---|---|---|
| Corzine | Lautenberg | McCain |

The amendment (No. 2427) was rejected.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, in concurrence with the ranking member, the Senator from Oklahoma wishes to lay down an amendment which I am going to recommend be accepted by a voice vote. I believe that is with the concurrence of my ranking member.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2432, AS MODIFIED

Mr. INHOFE. Mr. President, I ask unanimous consent to modify my amendment 2432. I send to the desk the modification and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment is so modified.

The amendment (No. 2432), as modified, is as follows:

At the end of title XII, add the following:

**SEC. ___. BUILDING THE PARTNERSHIP SECURITY CAPACITY OF FOREIGN MILITARY AND SECURITY FORCES.**

(a) AUTHORITY.—The President may authorize building the capacity of partner nations' military or 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, at the request of the Secretary of State, support partnership security capacity building as authorized under subsection (a) by transferring funds available to the Department of Defense to the Department of State. Any funds so transferred shall remain available until expended. The amount of such partnership security capacity building support provided by the Department of Defense under this section may not exceed $750,000,000 in any 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 and the nature and amounts of security capacity building to occur. Any such notification shall be submitted not less than 15 days before the provision of such partnership security capacity building.

(e) COMPLEMENTARY AUTHORITY.—The authority to support partnership security capacity building under this section is in addition to any other authority of the Department of Defense to provide assistance to a foreign country.

(f) APPLICABLE LAW.—The authorities and limitations in the Foreign Assistance Act of 1961 and the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 shall be applicable to assistance provided and funds transferred under the authority of this section.

(g) MILITARY AND SECURITY FORCES DEFINED.—In this section, the term ''military and security forces'' includes armies, guard, border security, civil defense, infrastructure protection, and police forces.

(h) EXPIRATION.—The authority in this section shall expire on September 30, 2007.

**SEC. ___. SECURITY AND STABILIZATION ASSISTANCE.**

(a) IN GENERAL.—Notwithstanding any other provision of law, upon a request from the Secretary of State, with the agreement of the Secretary of Defense and upon a determination by the President that an unforeseen emergency exists that requires immediate reconstruction, security, or stabilization assistance to a foreign country for the purpose of restoring or maintaining peace and security in that country, and that the provision of such assistance is in the national security interests of the United States, the Secretary of Defense may authorize the use or transfer of defense articles, services, training or other support, including support acquired by contract or otherwise, to provide such assistance.

(b) AVAILABILITY OF FUNDS.—Subject to subsection (a), the Secretary of Defense may transfer funds available to the Department of Defense to the Department of State or to any other Federal agency to carry out the purposes of this section, and funds so transferred shall remain available until expended.

(c) LIMITATION.—The aggregate value of assistance provided or funds transferred under the authority of this section may not exceed $200,000,000.

(d) COMPLEMENTARY AUTHORITY.—The authority to provide assistance under this section is in addition to any other authority of the Department of Defense to provide assistance to a foreign country.

(e) NOTIFICATION REQUIREMENTS.—Before the exercise of the authority in this section, the President shall notify Congress of the exercise of such authority in accordance with the procedures set forth in section 652 of the Foreign Assistance Act of 1961 (22 U.S.C. 2411).

(f) APPLICABLE LAW.—(1) The authorities and limitations in the Foreign Assistance Act of 1961 and the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 shall be applicable to assistance provided and funds transferred under the authority of this section.

(2) Any authority available to the President to waive a provision of law referred to in paragraph (1) may be exercised by the President in a written document executed pursuant to subsection (a).

(g) EXPIRATION.—The authority in this section shall expire on September 30, 2007.

Mr. INHOFE. Mr. President, we have spent quite a bit of time talking about this amendment. This does amend sections 1201 and 1204 of title XII, to provide our Government with new authorities to fight the global war on terror. We have initially had some concerns, both from the other side and from a couple of the other committees. We have worked out the compromise, and that is what this modification is.

In an effort to accommodate my colleagues on the Foreign Relations Committee and my colleagues across the aisle, we have made some modifications to our original amendment. These modifications provide a sunset for this authority on September 30, 2007. They provide for some limitation of DOD authority in section 1201, subject to existing law in the foreign relations and foreign appropriations act.

With these modifications, I think that it is going to be a great help to the administration.

I ask unanimous consent that Senator LUGAR be added as a cosponsor of my amendment.

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

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to thank Senator INHOFE for the excellent work he has done on this amendment and his generous efforts to accommodate my previous concerns. In my view, his original amendment may have had some unintended foreign policy consequences. In particular, it might have produced some far-reaching changes to the way that our country makes foreign assistance decisions.

The amendment as now written leaves the authority for deciding which countries, and when, how, and why foreign assistance should be provided, in the hands of the Secretary of State. The amendment does not provide statutory authority to the Secretary of Defense to establish a new foreign aid program outside the purview of the Secretary of State. It does authorize the Secretary of Defense to provide funding to the State Department for a new train and equip foreign assistance program, as well as to address overseas emergencies where the two Departments need to join forces to meet the crisis successfully.

I support the $750 million train and equip program and the $200 million emergency funding. Both programs can be successfully carried out under the Secretary of State's existing authorities. The Secretary of State should retain full authority over decisions as to which countries should receive assistance, the timing of its provision, and the way in which it should be provided. The Department of Defense should continue implementing train and equip programs under the purview of the Secretary of State.

I understand that there have been frustrations with the current situation. The Defense Department has apparently found State Department oversight of these kinds of programs cumbersome and slow. These obstacles need to be overcome. State Department procedures should be streamlined and the two Departments should develop plans to push these important programs forward efficiently and quickly.

But all foreign assistance programs need to take place within a foreign policy context, with consideration of the traditional concerns—the recipient country's treatment of its own people, potential reactions from neighboring states in the region, and the overall bilateral relationship with the recipient country, including its assistance in the war against terrorism.

It is the Secretary of State's job to weigh such foreign policy issues and make recommendations to the President that strike the right balance for American interests. The amendment as now written meets the concerns I had and I would request that I be listed as a co-sponsor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I strongly recommend to colleagues the acceptance of this amendment. It has been carefully thought through. It is a policy that has been joined in jointly by the Secretaries of State and Defense. It is the expectation that to the extent we are successful with these programs, it likely will go to the deployment of our troops abroad in various situations we deem necessary to protect our own national interests.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Michigan.

Mr. LEVIN. First, I thank the Senator from Oklahoma for his amendment, for working to modify that amendment. We think it is a prudent and useful amendment and that it addresses a very significant issue which is how do we obtain more support from other countries to be effective in our effort against terrorism. So we want to thank the Senator from Oklahoma.

Mr. INHOFE. I thank the ranking member and the chairman for those comments.

Mr. WARNER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2432), as modified, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Subject to the concurrence of the ranking member, I ask the Senate to turn its attention to the Senator from Nevada, who has an amendment which I personally strongly endorse and so recommend to other colleagues. It could well be the subject of a rollcall vote sometime tomorrow. I thank him for his consideration of laying down the amendment tonight such that colleagues have the time within which to study it.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2443

Mr. ENSIGN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 2443.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To restate United States policy on the use of riot control agents by members of the Armed Forces, and for other purposes)

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

**SEC. 1073. RIOT CONTROL AGENTS.**

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

(b) REPORT REQUIRED.—

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

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

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

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

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

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

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

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

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

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

(c) DEFINITIONS.—In this section:

(1) CHEMICAL WEAPONS CONVENTION.—The term ''Chemical Weapons Convention'' means the Convention on the Prohibitions of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21).

(2) RESOLUTION OF RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION.—The term ''resolution of ratification of the Chemical Weapons Convention'' means S. Res. 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Chemical Weapons Convention.

Mr. ENSIGN. Mr. President, before I make my full statement, I want my colleagues to know that the amendment that I have sent to the desk is something that we have been working with the administration on for almost 8 months now. I believe we have come up with a compromise that most people in the administration support. It is a very important amendment as far as the foreign policy and the military policy of our country is concerned.

This amendment will allow our soldiers and marines to more effectively carry out their mission on the ground in Iraq and Afghanistan, while saving both military and civilian lives.

Riot control agents, more commonly referred to as tear gas, can be a more effective alternative to the use of lethal weapons in combat. It is shocking and unacceptable that under current policy our military is banned from using tear gas on the battlefield. Let me restate that. Under current policy, our military is banned from using tear gas on the battlefield.

Police officers in any city in America can use tear gas to avoid the loss of life, but our men and women carrying out the global war on terror cannot. This is not right and it must change.

This restriction on the use of tear gas is the direct result of the bureaucracy's faulty interpretation of the 1997 Chemical Weapons Convention, an interpretation made by arms control advocates in Brussels and The Hague and regrettably at our own State Department. Under this faulty interpretation, tear gas is considered a chemical weapon. In those isolated cases where it can be used, it requires Presidential authorization. This is wrong. The use of riot control agents in combat for defensive purposes to save lives is wholly consistent with the U.S. obligations under the laws of land warfare and of our treaty obligations.

Retaining this capability was so important to our military leaders that the Senate included a condition in the 1997 Chemical Weapons Convention that preserved our right to use tear gas in conflict. Many Members today were in the Senate when this matter was debated. All concurred with the arguments put forward by then-chairman of the Joint Chiefs of Staff, Colin Powell, that giving up this capability is not even worth getting the treaty. Here is what he said:

> Nonlethal riot control agents provide a morally correct option to achieve defensive military objectives without having to resort to the unnecessary loss of innocent lives. Sacrificing such an option would be an unacceptable price to pay for a CW [chemical weapons] treaty.

Senators LUGAR, BIDEN, and others spoke eloquently on this point in a bipartisan manner. Senators knew then, and many do know now, that the use of nonlethal weapons, such as tear gas, is demonstrated routinely to be effective by law enforcement agencies all over the world. It is a moral alternative to the use of lethal force.

In towns and streets throughout Iraq and Afghanistan, marines and soldiers are going house to house in an attempt to flush out hiding terrorists. In carrying out this vital mission, structures are damaged and innocent people are killed. Some of that death and destruction could be avoided if we allowed our military to use tear gas instead of bullets. In other cases, we know of situations where the insurgents have mixed in with innocent civilians, using them as human shields, forcing our fighting men and women to either retreat or fire into a crowd, which is a choice they should not have to make.

I am reminded of a New York Times article, dated June 28 of this year. It chronicled marines clearing a town in Iraq. The article referenced one particular incident where three civilians, a mother and two children, were killed as marines battled an insurgent who had taken the family hostage. Perhaps the use of tear gas would have saved their lives; perhaps not. We will never know that. What we do know is that those marines were not provided every tool with which to carry out this global war on terrorism.

Certainly our image has been tarnished as a nation, and our public diplomacy has suffered every time we use lethal force to clear a room, empty a building or take other actions that wound or kill innocent people. This is unconscionable when nonlethal alternatives are available. Secretary Donald Rumsfeld, in testimony before the House Armed Services Committee, described the restriction on the use of riot control agents as a straitjacket. Here is what he said:

> We are doing our best to live within the straitjacket that has been imposed on us on this subject. We are trying to find ways that non-lethal agents could be used within the law.

He went on to point out that our soldiers and marines are authorized to shoot and to kill people in situations where tear gas is prohibited. This is a lethal lapse in legal judgment. It seems as if some would put the concerns of the global arms control theocracy above the lives of our military personnel. If anybody is watching or listening and they are scratching their head wondering where is the common sense, that is exactly what I thought and what led me to offer this amendment.

In fact, our military has been so spooked about this issue they don't know how to train themselves on Riot Control Agent use on the battlefield. The Tactical Employment of Nonlethal Weapons training manual, dated January 2003, is applicable to all military branches. It specifically reminds all that ". . . using Riot Control Agents in an armed conflict requires Presidential approval."

Additionally, the Department of Defense's Joint Doctrine Encyclopedia, dated July 1997, advises that "Commanders must consider the international ramifications . . . before recommending the use of herbicides or Riot Control Agents."

Now, there are those who erroneously claim my amendment seeks to change long standing policy on the use of riot control agents in combat and runs counter to U.S. treaty commitments.

In fact, my amendment seeks merely to reaffirm the policy of the United States since 1975, and the Senate's view on this issue from 1997, by stating that it is the policy of the United States that Riot Control Agents are not chemical weapons but are legitimate, legal, and non-lethal alternatives to the use of lethal force. It adds that these tools may be employed by members of the Armed Forces in defensive military modes to save lives.

My amendment further requires the President to submit a one-time report to Congress on the availability and use of Riot Control Agents by our fighting men and women. It includes reporting language that prods the State Department to speak about and advocate the U.S. view on this important life-saving tool in multilateral forums. Finally, my amendment presses the Pentagon to develop this capability, which has languished in our training regimens, our doctrine, and our tactics through lack of use.

I urge all of my colleagues to reaffirm this policy, to reaffirm what the Senate said in 1997, and to send a strong message to our men and women in uniform that the Senate puts their welfare above misguided interpretations of arcane international agreements, that the Senate wants to give them a full range of tools to help them accomplish their mission in Iraq and Afghanistan, and that we want to do so in a manner that doesn't jeopardize their lives or those of innocent civilians.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I want very much to support my colleague from Nevada, but I would like to have some clarification. I tried to listen very carefully to what the Senator said. I want to see if my interpretation of the amendment is correct.

I begin by saying the question of whether and how the use of riot control agents would be limited by the Chemical Weapons Convention became a major issue when the treaty was considered by the Senate for ratification in 1997. The resolution of ratification for the CWC contains a condition requiring the President to certify that the United States is not restricted by the CWC in its use of riot control agents in certain specified circumstances. The condition also required the President not to eliminate or alter Executive Order 11850—which I have before me; it was signed by President Ford on April 8, 1975—which prohibits the use of riot control agents in war except in defensive military modes to save lives.

Now, I turn to the Executive Order 11850 and specifically ask the Senator, is his interpretation of his amendment consistent with the objectives as stated in Executive Order 11850, signed by President Ford April 8, 1975?

Mr. ENSIGN. Mr. President, I say to the Senator from Virginia that he has stated it exactly right. We are trying to restate the position that the Senate took in 1997, in the Executive Order 11850. It has been the policy of the United States, based on this Executive order, based on what the Senate did with the Chemical Weapons Treaty in 1997. But the problem is there have been lawyers down at the State Department who have interpreted it differently and therefore have put the military in a very difficult position,

that if they used it consistent with former U.S. policy, they could be accused of violating the Chemical Weapons Treaty and be subject to prosecution as individual soldiers.

Mr. WARNER. I thank my colleague. If I could further propound a clarification, reading from the preamble to 11850, the Executive order, it says:

The United States renounces, as a matter of national policy, first use of herbicides in war except use, under regulations applicable to their domestic use, for control of vegetation within U.S. bases and installations or around their immediate defensive perimeters, and first use of riot control agents in war except in defensive military modes to save lives such as—

and these are the examples—

(a) Use of riot control agents in riot control situations in areas under direct and distinct U.S. military control, to include controlling rioting prisoners of war.

(b) Use of riot control agents in situations in which civilians are used to mask or screen attacks and civilian casualties can be reduced or avoided.

(c) Use of riot control agents in rescue missions in remotely isolated areas, of downed aircrews and passengers, and escaping prisoners.

(d) Use of riot control agents in rear echelon areas outside the zone of immediate combat to protect convoys from civil disturbances, terrorists and paramilitary organizations.

Regarding the ground operations as we are reading about daily in the Anbar Province, in Fallujah—I visited up in Fallujah several weeks ago. How would they, under your amendment, be deployed, assuming this amendment is adopted, in a manner differently than what they are doing today?

Mr. ENSIGN. Mr. President, I would say to the chairman of the Senate Armed Services Committee, frankly, they are not being used today by our military and that is the problem. Therein lies the problem.

We just saw President Bush down in the Summit of the Americas, and they had riots down there and they used these very agents to control the crowds. Even when they had problems at Abu Ghraib prison, these riot control agents were not allowed to be used because people were afraid to use them.

Can you imagine, if you are a first lieutenant or you are a sergeant and you are out there and you know that these things have been allowed in the past, but now the State Department and the military are putting stuff out and there are questions, you are not going to use the thing that may be the most effective at saving lives of the personnel around you, as well as the civilians, because you could be accused potentially of violating the Chemical Weapons Treaty. We are handcuffing the very personnel that this Senate is supposed to be trying to protect.

That is why I believe, as the Senator has correctly pointed out, that this amendment is consistent with the very examples that you pointed out that are in the Executive Order No. 11850 that was signed back in 1975.

Mr. WARNER. I want to make clear I presume the amendment of the Senator clarifies some ambiguity, which ambiguity acts as a deterrent on our forces today from using it. Once the ambiguities are set aside, then we can proceed to utilize these agents, provided it is consistent with the Executive Order 11850? Have I correctly stated that?

Mr. ENSIGN. Mr. President, I think what the Senator has stated is very concise. That is exactly the intent of the amendment.

Mr. WARNER. I thank my distinguished colleague. We will have, perhaps, opportunity in the morning to further debate this amendment. I do want to posture myself so I can support your amendment.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I wish to clarify a question the chairman of the committee asked. I think I heard the answer, but I was not 100 percent sure.

Is the amendment intended to state the current policy of the United States? When it says on line 1 of page 1, ''It is the policy of the United States,'' is that intended to reflect the current policy of the United States?

Mr. ENSIGN. Mr. President, I would say to the Senator from Michigan that the current policy is exactly what our amendment is trying to reinforce. It is the interpretation of that current policy that is happening down at the State Department that we are trying to clarify. We think they are misinterpreting the current policy which has existed for some time now in the United States. We now need to clarify it so that our warriors know exactly that they can use riot control agents under specific uses, as the examples that the chairman of the Committee on Armed Services has pointed out.

Mr. LEVIN. Is it the intention of the amendment, then, to state the policy of the United States as reflected in Executive Order 11850?

Mr. ENSIGN. That is correct, Mr. President.

Mr. LEVIN. So there is no effort, no intent in the statement of policy on line 4 on page 1 through line 6 on page 2, to in any way modify the policy set forth in that Executive Order 11850?

Mr. ENSIGN. The Senator is correct.

Mr. LEVIN. So this restatement of policy is not intended to modify this in any way. But as I understand it, what the good Senator from Nevada is saying is that some people in the Government have interpreted Executive Order 11850 differently from the way the policy is stated in section 1073?

Mr. ENSIGN. I think the policy is very clear in this Executive order, as well as what the Senate stated. But it appears that certain people down at the State Department have interpreted it a different way and believe there is a higher threshold that our warriors must come under before they can use these riot control agents out on the battlefield; that they must seek Presidential authority. That is what we are trying to clarify here, is to get back to what this Executive order said, as well as what the Senate stated in 1997.

Mr. LEVIN. I thank my friend from Nevada.

Mr. President, we will reserve the time. We are not necessarily at all in opposition, but we would like to review this overnight. We thank the Senator from Nevada.

Mr. WARNER. Mr. President, subject to the order by the majority and Democratic leader as to the sequence of events tomorrow, the Ensign amendment would remain the pending business at such time as the leadership directs the Senate return to this bill; am I correct in that?

The PRESIDING OFFICER. That is correct, the Ensign amendment is pending.

Mr. WARNER. At this time, I ask unanimous consent the Ensign amendment be laid aside for the purpose of the distinguished Senator from Michigan and I clearing some amendments.

Mr. LEVIN. I have no objection.

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

AMENDMENTS NOS. 1334, AS MODIFIED; 1341, AS MODIFIED; 1355, 1356, 1358, AS MODIFIED; 1362, AS MODIFIED; 1367, 1387, 1388, AS MODIFIED; 1404, AS MODIFIED; 1407, 1424, 1428, AS MODIFIED; 1434, 1445, 1448, AS MODIFIED; 1451, AS MODIFIED; 1453, AS MODIFIED; 1463, AS MODIFIED; 1473, 1478, 1481, 1495, 1502, 1514, AS MODIFIED; 1515, AS MODIFIED; 1519, AS MODIFIED; 1526, AS MODIFIED; 1548, AS MODIFIED; 1555, AS MODIFIED; 1563, AS MODIFIED; 1568, 1574, AS MODIFIED; 1578, AS MODIFIED; 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, EN BLOC.

Mr. WARNER. Mr. President, there are four packages of amendments at the desk being held subject to action by the Senate. I ask the Senate consider those amendments en bloc, the amendments be agreed to, the motions to reconsider be laid upon the table, and I ask any statements relating to these individual amendments be printed in the RECORD.

Mr. LEVIN. Is it the intention that the packages be adopted one package at time?

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

Mr. WARNER. All four. And the Chair has acted.

Mr. LEVIN. I am sure we can work it out whether the action has been taken. Have not the four packages been acted upon and approved en bloc?

The PRESIDING OFFICER. If the Senator from Michigan is reserving the right to object, he has that ability.

Mr. LEVIN. I am trying to understand what the unanimous consent request was. Was it the amendments be considered en bloc and agreed to en bloc?

The PRESIDING OFFICER. That is the understanding.

Mr. LEVIN. No objection.

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

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 1334, AS MODIFIED

(Purpose: To provide for outreach to members of the Armed Forces and their dependents on the Servicemembers Civil Relief Act)

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

**SEC. 653. OUTREACH TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ON THE SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) OUTREACH TO MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—The Secretary concerned shall provide to each member of the Armed Forces under the jurisdiction of the Secretary pertinent information on the rights and protections available to servicemembers and their dependents under the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).

(2) TIME OF PROVISION.—Information shall be provided to a member of the Armed Forces under paragraph (1) at times as follows:

(A) During initial orientation training.

(B) In the case of a member of a reserve component of the Armed Forces, during initial orientation training and when the member is mobilized or otherwise individually called or ordered to active duty for a period of more than one year.

(C) At such other times as the Secretary concerned considers appropriate.

(b) OUTREACH TO DEPENDENTS.—The Secretary concerned may provide to the adult dependents of members of the Armed Forces under the jurisdiction of the Secretary pertinent information on the rights and protections available to servicemembers and their dependents under the Servicemembers Civil Relief Act.

(c) DEFINITIONS.—In this section, the terms ''dependent'' and ''Secretary concerned'' have the meanings given such terms in section 101 of the Servicemembers Civil Relief Act (50 U.S.C. App. 511).

AMENDMENT NO. 1341, AS MODIFIED

(Purpose: To require a report on the use of ground source heat pumps at Department of Defense facilities)

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

**SEC. 2887. REPORT ON USE OF GROUND SOURCE HEAT PUMPS AT DEPARTMENT OF DEFENSE FACILITIES.**

(a) REPORT REQUIRED.—Not later than 180 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 use of ground source heat pumps at Department of Defense facilities.

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

(1) a description of the types of Department of Defense facilities that use ground source heat pumps;

(2) an assessment of the applicability and cost-effectiveness of the use of ground source heat pumps at Department of Defense facilities in different geographic regions of the United States;

(3) a description of the relative applicability of ground source heat pumps for purposes of new construction at, and retrofitting of, Department of Defense facilities; and

(4) recommendations for facilitating and encouraging the increased use of ground source heat pumps at Department of Defense facilities.

AMENDMENT NO. 1335

(Purpose: To authorize a land conveyance of Air Force property, La Junta, Colorado)

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

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

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

(b) PAYMENT OF COSTS OF CONVEYANCE.—

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

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

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

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

AMENDMENT NO. 1356

(Purpose: To authorize the United States Air Force Institute of Technology to receive faculty research grants for scientific, literary, and educational purposes)

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 1358, AS MODIFIED

(Purpose: To require additional recommendations in the report on the delivery of health care benefits through the military health care system)

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 1362, AS MODIFIED

(Purpose: To require a report on the Department of Defense Composite Health Care System II)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 1367

(Purpose: To make permanent the authority to provide travel and transportation allowances for dependents to visit hospitalized members injured in combat operation or combat zone with funding provided out of existing funds through a reduction in nonessential civilian travel)

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

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

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

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

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

AMENDMENT NO. 1387

(Purpose: To make the Savannah River National Laboratory eligible for laboratory directed research and development funding)

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

**SEC. 31_____. SAVANNAH RIVER NATIONAL LABORATORY.**

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

AMENDMENT NO. 1388, AS MODIFIED

(Purpose: To provide for the establishment of the USS Oklahoma Memorial)

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

**SEC. 10_____. ESTABLISHMENT OF THE USS OKLAHOMA MEMORIAL.**

(a) SITE AND FUNDING FOR MEMORIAL.—Not later than 6 months after the date of enactment of this section, the Secretary of the Navy, in consultation with the Secretary of the Interior shall identify an appropriate site on Ford Island for a memorial for the USS Oklahoma consistent with the ''Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials, April 2005''. The USS Oklahoma Foundation shall be solely responsible for raising the funds necessary to design and erect a dignified and suitable memorial to the naval personnel serving aborad the USS Oklahoma when it was attacked on December 7, 1941.

(b) ADMINISTRATION AND MAINTENANCE OF MEMORIAL.—After the site has been selected, the Secretary of the Interior shall administer and maintain the site as part of the USS Arizona Memorial, a unit of the National Park System, in accordance with the laws and regulations applicable to land administered by the National Park Service and any Memorandum of Understanding between the Secretary of the Navy and the Secretary of the Interior. The Secretary of the Navy shall continue to have jurisdiction over the land selected as the site.

(c) FUTURE MEMORIALS.—Any future memorials for U.S. Naval Vessels that were attacked at Pearl Harbor on December 7, 1941, shall be consistent with the ''Pearl Harbor Naval Complex Design Guidelines and Evaluation Criteria for Memorials, April 2005''.

(d) MASTER PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Secretary of the Interior, shall submit to the Committee on Armed Services and Committee on Resources of the House of Representatives and the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate a master plan for operation and management of the site presently encompassing the visitors center for the USS Arizona Memorial, the area commonly known as the ''Halawa Landing'', and any adjacent properties.

AMENDMENT NO. 1404, AS MODIFIED

(Purpose: To require a pilot program on enhanced quality of life for members of the Army Reserve and their families)

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

**SEC. 538. PILOT PROGRAM ON ENHANCED QUALITY OF LIFE FOR MEMBERS OF THE ARMY RESERVE AND THEIR FAMILIES.**

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall carry out a pilot program to assess the feasability and advisability of utilizing a coalition of military and civilian community personnel at military installations in order to enhance the quality of life for members of the Army Reserve who serve at such installations and their families.

(2) LOCATIONS.—The Secretary shall carry out the pilot program at a military installation selected by the Secretary for purposes of the pilot program in two States.

(b) PARTICIPATING PERSONNEL.—A coalition of personnel under the pilot program shall consist of—

(1) such command personnel at the installation concerned as the commander of such installation considers appropriate;

(2) such other military personnel at such installation as the commander of such installation considers appropriate; and

(3) appropriate members of the civilian community of installation, such as clinicians and teachers, who volunteer for participation in the coalition.

(c) OBJECTIVES.—

(1) PRINCIPLE OBJECTIVE.—The principle objective of the pilot program shall be to enhance the quality of life for members of the Army Reserve and their families in order to enhance the mission readiness of such members, to facilitate the transition of such members to and from deployment, and to enhance the retention of such members.

(2) OBJECTIVES RELATING TO DEPLOYMENT.—In seeking to achieve the principle objective under paragraph (1) with respect to the deployment of members of the Army Reserve, each coalition under the pilot program shall seek to assist members of the Army Reserve and their families in—

(A) successfully coping with the absence of such members from their families during deployment; and

(B) successfully addressing other difficulties associated with extended deployments, including difficulties of members on deployment and difficulties of family members at home.

(3) METHODS TO ACHIEVE OBJECTIVES.—The methods selected by each coalition under the pilot program to achieve the objectives specified in this subsection shall include methods as follows:

(A) Methods that promote a balance of work and family responsibilities through a principle-centered approach to such matters.

(B) Methods that promote the establishment of appropriate priorities for family matters, such as the allocation of time and attention to finances, within the context of meeting military responsibilities.

(C) Methods that promote the development of meaningful family relationships.

(D) Methods that promote the development of parenting skills intended to raise emotionally healthy and empowered children.

(d) REPORT.—Not later than April 1, 2007, the Secretary shall submit to the congressional defense committees a report on the pilot program carried out under this section. The report shall include—

(1) a description of the pilot program;

(2) an assessment of the benefits of utilizing a coalition of military and civilian community personnel on military installations in order to enhance the quality of life for members of the Army Reserve and their families; and

(3) such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(e) FUNDING.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is hereby increased by $160,000, with the amount of the increase to be available to carry out the pilot program required by this section.

(2) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Ship Self Defense (Detect and Control) (PE #0604755N) is hereby reduced by $160,000, with the amount of the reduction to be allocated to amounts for Autonomous Unmanned Surface Vessel.

AMENDMENT NO. 1407

(Purpose: To strike the limitation on payment of facilities charges assessed by the Department of State)

Strike section 1008.

AMENDMENT NO. 1424

(Purpose: Relating to the basic allowance for housing for members of the reserves)

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

**SEC. 605. BASIC ALLOWANCE FOR HOUSING FOR RESERVE MEMBERS.**

(a) EQUAL TREATMENT OF RESERVE MEMBERS.—Subsection (g) of section 403 of title 37, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following new paragraph (3):

''(3) The rate of basic allowance for housing to be paid to the following members of a reserve component shall be equal to the rate in effect for similarly situated members of a regular component of the uniformed services:

''(A) A member who is called or ordered to active duty for a period of more than 30 days.

''(B) A member who is called or ordered to active duty for a period of 30 days or less in support of a contingency operation.''; and

(3) in paragraph (4), as so redesignated, by striking ''less than 140 days'' and inserting ''30 days or less''.

(b) CONFORMING AMENDMENT REGARDING MEMBERS WITHOUT DEPENDENTS.—Paragraph (1) of such subsection is amended by inserting ''or for a period of more than 30 days'' after ''in support of a contingency operation'' both places it appears.

AMENDMENT NO. 1428, AS MODIFIED

(Purpose: To strengthen civil-military relationships by permitting State and local governments to enter into lease purchase agreements with the United States Armed Forces)

At the end of subtitle B of title XXVIII of division B, add the following:

**SEC. 2823. EXPANDED AUTHORITY TO ENTER INTO LEASE-PURCHASE AGREEMENTS.**

Section 2812 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''a private contractor'' and inserting ''an eligible entity''; and

(B) by striking ''the contractor'' and inserting ''the eligible entity'';

(2) in subsection (c)—

(A) by striking ''(c)(1)'' and inserting ''(c)'';

(B) by striking paragraph (2); and

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

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

''(e) In this section, the term 'eligible entity' means any private person, corporation, firm, partnership, company, or State or local government.''.

AMENDMENT NO. 1434, AS MODIFIED

(Purpose: To make available, with an offset, an additional $20,300,000 for aircraft procurement for the Army to increase the number of UH–60 Black Hawk helicopters to be procured in response to attrition from 2 helicopters to 4 helicopters)

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

**SEC. 114. UH–60 BLACK HAWK HELICOPTER PROCUREMENT IN RESPONSE TO ATTRITION.**

(a) INCREASE IN AMOUNT.—Of the amount authorized to be appropriated by section 101(1) for aircraft for the Army, the amount available for the procurement UH–60 Black Hawk helicopters in response to attrition is hereby increased to $40,600,000, with the amount to be used to increase the number of UH–60 Black Hawk helicopters to be procured in response to attrition from 2 helicopters to 4 helicopters.

(b) OFFSET.—Of the amount authorized to be appropriated by section 101(1) for aircraft for the Army, the amount available for UH–60 Black Hawk helicopter medevac kits is hereby reduced to $29,700,000, with the amount to be derived in a reduction in the number of such kits from 10 kits to 6 kits.

AMENDMENT NO. 1445

(Purpose: To grant a Federal charter to Korean War Veterans Association, Incorporated)

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**

''Sec.
''120101. Organization.
''120102. Purposes.
''120103. Membership.
''120104. Governing body.
''120105. Powers.
''120106. Restrictions.
''120107. Tax-exempt status required as condition of charter.
''120108. Records and inspection.
''120109. Service of process.
''120110. Liability for acts of officers and agents.
''120111. Annual report.
''120112. Definition.

**''§ 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 their families.

''(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 nurtured 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) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

''(e) CORPORATE STATUS.—The corporation shall maintain its status 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 of the audit required by section 10101(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.''.

(b) 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:

''**1201. Korean War Veterans Association, Incorporated** .....**120101**''.

AMENDMENT NO. 1448, AS MODIFIED

(Purpose: To ensure a response to medical needs arising from mandatory military vaccinations)

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

**SEC. 718. RESPONSE TO MEDICAL NEEDS ARISING FROM MANDATORY 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 Vaccine Health Care Centers of the Department of Defense, which shall be the principle elements of the center.

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

(c) AUTHORIZED ACTIVITIES.—In acting as the principle elements of the joint military medical center under subsection (a), the Vaccine Health Care Centers referred to in subsection (b)(1) may carry out the following:

(1) Medical assistance and care to individuals receiving mandatory military vaccines and their dependents, including long-term case management for adverse events where necessary.

(2) Evaluations 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.

AMENDMENT NO. 1451, AS MODIFIED

(Purpose: To require screenings of members of the Armed Forces for Post Traumatic Stress Disorder and other mental health conditions)

At the end of subtitle F of title V, 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.

(b) NATURE OF SCREENINGS.—The first mental health screening of a member under this section shall be designed to determine the mental state of such member before deployment. Each other mental health screening of a member under this section 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 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) Not later than 120 days after the date of the members return from such deployment.

AMENDMENT NO. 1453, AS MODIFIED

(Purpose: To ensure the protection of military and civilian personnel in the Department of Defense from an influenza pandemic, including an avian influenza pandemic)

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

**SEC. 718. PANDEMIC AVIAN FLU PREPAREDNESS.**

(a) REPORT.—The Secretary of Defense shall report to the Committees on Armed Services of the Senate and the House of Representatives efforts within the Department of Defense to prepare for pandemic influenza, including pandemic avian influenza. The Secretary shall address the following, 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;

(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 and response;

(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 Infections Systems (GEIS), and how such efforts are integrated with other ongoing surveillance systems;

(8) the integration of pandemic and response planning with those of other Federal departments, including the Department of Health and Human Services, Department of the Veterans Affairs, Department of State, and USAID; and

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

(b) SUBMISSION OF REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit the report to the Committees on Armed Services of the Senate and the House of Representatives.

AMENDMENT NO. 1463, AS MODIFIED

(Purpose: To authorize a land conveyance at Iowa Army Ammunition Plant, Middletown, Iowa)

On page 357, between lines 19 and 20, insert the following:

**SEC. 2843. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, MIDDLETOWN, IOWA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey 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, for the purpose of economic development.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the City shall provide the United States, whether by cash payment, in-kind consideration, or a combination thereof, an amount that is not less than the fair market value of the conveyed property, as determined by the Secretary.

(c) PAYMENT OF COSTS 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 related to the conveyance. If amounts are collected from the City in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the City.

(2) 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.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of each survey shall be borne by the City.

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

AMENDMENT NO. 1473

(Purpose: To improve the availability to survivors of military decedents of information on the benefits and assistance available through the Federal Government)

On page 117, line 11, insert ''through a computer accessible Internet website and other means and'' before ''at no cost''.

AMENDMENT NO. 1478

(Purpose: To make oral and maxillofacial surgeons eligible for incentive special pay payable to medical officers of the Armed Forces)

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) 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) of title 37, United States Code, on or after that date.

AMENDMENT NO. 1481

(Purpose: To modify the authority of Army working-capital funded facilities to engage in cooperative activities with non-Army entities)

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

**SEC. 330. MODIFICATION OF AUTHORITY OF ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN COOPERATIVE 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 that incurs the cost of manufacturing the article or performing the service.''; and

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

AMENDMENT NO. 1495

(Purpose: To provide that the governments of Indian tribes be treated as State and local governments for purposes of the disposition of real property recommended for closure in the report to the President from the Defense Base Closure and Realignment Commission, July 1993)

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

**SEC. 2887. TREATMENT OF INDIAN TRIBE GOVERNMENTS AS PUBLIC ENTITIES FOR PURPOSES OF DISPOSAL OF REAL PROPERTY RECOMMENDED FOR CLOSURE IN JULY 2003 BRAC COMMISSION REPORT.**

Section 8013 of the Department of Defense Appropriations Act, 1994 (Public Law 103–139; 107 Stat. 1440) is amended by striking ''the report to the President from the Defense Base Closure and Realignment Commission, July 1991'' and inserting ''the reports to the President from the Defense Base Closure and Realignment Commission, July 1991 and July 1993''.

AMENDMENT NO. 1502

(Purpose: To make permanent the extension of the period of temporary continuation of basic allowance for housing for dependents of members of the Armed Forces who die on active duty)

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

**SEC. 605. PERMANENT EXTENSION OF PERIOD OF TEMPORARY CONTINUATION OF BASIC ALLOWANCE FOR HOUSING FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY.**

Effective immediately after the termination, pursuant to subsection (b) of section 1022 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 251), of the amendments made by subsection (a) of such section, section 403(l) of title 37, United States Code, is amended by striking ''180 days'' each place it appears and inserting ''365 days''.

AMENDMENT NO. 1514, AS MODIFIED

(Purpose: To authorize a land conveyance at Marine Corps Air Station, Miramar, San Diego, California)

On page 357, strike line 20, and insert the following:

**PART II—NAVY CONVEYANCES**

**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 and appurtenant easements thereto, consisting of approximately 230 acres located on the eastern boundary of Marine Corps Air Station, Miramar, California, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property known as the Stowe Trail as a public passive park/recreational area.

(b) CONSIDERATION.—

(1) IN GENERAL.—As consideration for the conveyance under subsection (a), the County shall provide the United States an amount with a total value that is not less than the fair market value of the conveyed real property, as determined by the Secretary.

(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 on the record after an opportunity for a hearing.

(2) RELEASE OF REVERSIONARY INTEREST.—The Secretary shall release, without consideration, the reversionary interest retained by the United States under paragraph (1) if—

(A) Marine Corps Air Station, Miramar, is no longer being used for Department of Defense activities;

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the County 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) and implement the receipt of consideration under subsection (b), including appraisal costs, survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance and receipt of consideration. If amounts are collected from the County in advance of the Secretary incurring the actual costs, and the amount received exceeds the costs actually incurred by the Secretary under this section, the Secretary shall refund the excess amount to the County.

(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.

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

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

**PART III—AIR FORCE CONVEYANCES**

AMENDMENT NO. 1515, AS MODIFIED

(Purpose: To make available an additional $60,000,000 for operation and maintenance, Defense-wide, for certain child and family assistance benefits for members of the Armed Forces)

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 $60,000,000.

(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), $60,000,000 may be available as follows:

(1) $50,000,000 for childcare services for families of members of the Armed Forces.

(2) $10,000,000 for family assistance centers that primarily serve members of the Armed Forces and their families.

(b) OFFSET.—Of the amounts authorized to be appropriated by section 301(i) for operation and maintenance, Army are hereby reduced by $60,000,000.

AMENDMENT NO. 1519, AS MODIFIED

(Purpose: To provide for a Department of Defense task force on mental health)

At the appropriate place, insert the following:

**SEC. ___. DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH.**

(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 Defense 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 the 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 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 means by which the Department of Defense shall improve the efficacy of 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.

(3) ELEMENTS.—The long-term plan shall include an assessment of and recommendations (including recommendations for legislative or administrative action) for measures to improve the following:

(A) The awareness of the prevalence of mental health conditions among members of the Armed Forces.

(B) The efficacy of existing programs to prevent, identify, and treat mental health conditions among members of the Armed Forces, including programs for and with respect to forward-deployed troops.

(C) The reduction or elimination of barriers to care, including the stigma associated with seeking help for mental health related conditions, and the enhancement of confidentiality for members of the Armed Forces seeking care for such conditions.

(D) The adequacy of outreach, education, and support programs on mental health matters for families of members of the Armed Forces.

(E) The efficacy of programs and mechanisms for ensuring a seamless transition from care of members 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.

(F) The availability of long-term follow-up and access to care for mental health conditions for members of the Individual Ready Reserve, and the Selective Reserve and for discharged, separated, or retired members of the Armed Forces.

(G) Collaboration among organizations in the Department of Defense with responsibility for or jurisdiction over the provision of mental health services.

(H) Coordination between the Department of Defense and civilian communities, including local support organizations, with respect to mental health services.

(I) The scope and efficacy of curricula and training on mental health matters for commanders in the Armed Forces.

(J) Such other matters as the task force considers appropriate.

(d) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) 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 the duties of the task force.

(4) ACCESS TO FACILITIES.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and facilities for purposes of the discharge of the duties 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;

(B) the plan required by subsection (c); and

(C) such other mattes relating to the activities of the task force that the task force considers appropriate.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary shall transmit the report to the Committees on Armed Services and Veterans' Affairs of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to Congress under subsection (e)(2).

AMENDMENT NO. 1526, AS MODIFIED

(Purpose: To express the sense of the Senate on the need for community impact assistance related to the construction by the Navy of an outlying land field in North Carolina)

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

**SEC. 2887. SENSE OF THE SENATE REGARDING COMMUNITY IMPACT ASSISTANCE RELATED TO CONSTRUCTION OF NAVY LANDING FIELD, NORTH CAROLINA.**

It is the sense of the Senate that—

(1) the planned construction of an outlying landing field in North Carolina is vital to the national security interests of the United States; and

(2) the Department of Defense should work with other Federal agencies to provide community impact assistance to those communities directly impacted by the location of the outlying landing field, including—

(A) economic development assistance;

(B) impact aid program assistance if required;

(C) the provision by cooperative agreement with the Navy of fire, rescue, water, and sewer services;

(D) access by leasing arrangement to appropriate land for farming for farmers impacted by the location of the landing field;

(E) direct relocation assistance; and

(F) fair compensation to landowners for property purchased by the Navy.

AMENDMENT NO. 1548, AS MODIFIED

(Purpose: To increase, with an offset, amounts available for the procurement of Predator unmanned aerial vehicles)

On page 305, strike line 2 and all that follows through line 6, and insert the following:

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts for the Air Force in the amounts as follows:

(1) For aircraft, $323,200,000.

(2) For other procurement, $51,900,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—Of the amounts authorized to be appropriated by subsection (a)(1), $218,500,000 may be available for purposes as follows:

(1) Procurement of Predator MQ-1 air vehicles, initial spares, and RSP kits.

(2) Procurement of Containerized Dual Control Station Launch and Recovery Elements.

(3) Procurement of a Fixed Ground Control Station.

(4) 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.

AMENDMENT NO. 1555, AS MODIFIED

(Purpose: To regulate management contracts, require an Analysis of Alternatives for major acquisitions of the Department of Defense and impose additional limitations on certain leases and charters)

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

**SEC. 807. MODIFICATION OF REQUIREMENTS APPLICABLE TO CONTRACTS AUTHORIZED BY LAW FOR CERTAIN MILITARY MATERIEL.**

(a) INCLUSION OF COMBAT VEHICLES UNDER REQUIREMENTS.—Section 2401 of title 10, United States Code, is amended—

(1) by striking ''vessel or aircraft'' each place it appears and inserting ''vessel, aircraft, or combat vehicle'';

(2) in subsection (c), by striking ''aircraft or naval vessel'' each place it appears and inserting ''aircraft, naval vessel, or combat vehicle'';

(3) in subsection (e), by striking ''aircraft or naval vessels'' each place it appears and inserting ''aircraft, naval vessels, or combat vehicle''; and

(4) in subsection (f)—

(A) by striking ''aircraft and naval vessels'' and inserting ''aircraft, naval vessels, and combat vehicle''; and

(B) by striking ''such aircraft and vessels'' and inserting ''such aircraft, vessels, and combat vehicle''.

(b) ADDITIONAL INFORMATION FOR CONGRESS.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

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

''(D) the Secretary has certified to those committees—

''(i) that entering into the proposed contract as a means of obtaining the vessel, aircraft, or combat vehicle is the most cost-effective means of obtaining such vessel, aircraft, or combat vehicle; and

''(ii) that the Secretary has determined that the lease complies with all applicable laws, Office of Management and Budget circulars, and Department of Defense regulations.''; and

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

''(3) Upon receipt of a notice under paragraph (1)(C), a committee identified in paragraph (1)(B) may request the Inspector General of the Department of Defense or the Comptroller General of the United States to conduct a review of the proposed contract to determine whether or not such contract meets the requirements of this section.

''(4) If a review is requested under paragraph (3), the Inspector General of the Department of Defense or the Comptroller General of the United States, as the case may be, shall submit to the Secretary and the congressional defense committees a report on such review before the expiration of the period specified in paragraph (1)(C).''.

(c) APPLICABILITY OF ACQUISITION REGULATIONS.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

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

''(f)(1) If a lease or charter covered by this section is a capital lease or a lease-purchase—

''(A) the lease or charter shall be treated as an acquisition and shall be subject to all applicable statutory and regulatory requirements for the acquisition of aircraft, naval vessels, or combat vehicles; and

''(B) funds appropriated to the Department of Defense for operation and maintenance may not be obligated or expended for the lease or charter.

''(2) In this subsection, the terms 'capital lease' and 'lease-purchase' have the meanings given those terms in Appendix B to Office of Management and Budget Circular A–11, as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006.''.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

**''§ 2401. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles''.**

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2401 and inserting the following new item:

''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 section 2431 the following new section:

**''§ 2431a. Major defense acquisition programs: requirement for analysis of alternatives**

''(a) No major defense acquisition program 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) CLERICAL AMENDMENT.—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. REPORT ON USE OF LEAD SYSTEM INTEGRATORS IN THE ACQUISITION OF MAJOR SYSTEMS.**

(a) 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 use of lead system integrators for the acquisition by the Department of Defense of major systems.

(b) CONTENTS.—The report required by subsection (a) shall include a detailed description of the actions taken, or to be taken (including a specific timetable), and the current regulations and guidelines regarding—

(1) the definition of the respective rights of the Department of Defense, lead system integrators, and other contractors that participate in the development or production of any individual element of the major weapon system (including subcontractors under lead system integrators) in intellectual property that is developed by the other participating contractors in a manner that ensures that—

(A) the Department of Defense obtains appropriate rights in technical data developed by the other participating contractors in accordance with the requirements of section 2320 of title 10, United States Code; and

(B) lead system integrators obtain access to technical data developed by the other participating contractors only to the extent necessary to execute their contractual obligations as lead systems integrators;

(2) the prevention or mitigation of organizational conflicts of interest on the part of lead system integrators;

(3) the prevention of the performance by lead system integrators of functions closely associated with inherently governmental functions;

(4) the appropriate use of competitive procedures in the award of subcontracts by lead system integrators with system responsibility;

(5) the prevention of organizational conflicts of interest arising out of any financial interest of lead system integrators without system responsibility in the development or production of individual elements of a major weapon system; and

(6) the prevention of pass-through charges by lead system integrators with system responsibility on systems or subsystems developed or produced under subcontracts where such lead system integrators do not provide significant value added with regard to such systems or subsystems.

(c) DEFINITIONS.—In this section:

(1) The term ''lead system integrator'' includes lead system integrators with system responsibility and lead system integrators without system responsibility.

(2) The term ''lead system integrator with system responsibility'' means a prime contractor for the development or production of a major system if the prime contractor is not expected at the time of award, as determined by the Secretary of Defense for purposes of this section, to perform a substantial portion of the work on the system and the major subsystems.

(3) The term ''lead system integrator without system responsibility'' means a contractor under a contract for the procurement of services whose primary purpose is to perform acquisition functions closely associated with inherently governmental functions with regard to the development or production of a major system.

(4) The term ''major system'' has the meaning given such term in section 2302d of title 10, United States Code.

(5) The term ''pass-through charge'' means a charge for overhead or profit on work performed by a lower-tier contractor (other than charges for the direct costs of managing lower-tier contracts and overhead and profit based on such direct costs) that does not, as determined by the Secretary for purposes of this section, promote significant value added with regard to such work.

(6) The term ''functions closely associated with inherently governmental functions'' has the meaning given such term in section 2383(b)(3) of title 10, United States Code.

AMENDMENT NO. 1563, AS MODIFIED

(Purpose: To authorize the Secretary of the Navy to lease United States Navy Museum facilities at Washington Naval Yard, District of Columbia, to the Naval Historical Foundation)

On page 357, strike line 20 and insert the following:

**PART II—NAVY CONVEYANCES**

**SEC. 2851. LEASE OF UNITED STATES NAVY MUSEUM FACILITIES AT WASHINGTON NAVY YARD, DISTRICT OF COLUMBIA.**

(a) LEASE OR LICENSE AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Navy may lease or license to the Naval Historical Foundation (in this section referred to as the ''Foundation'') facilities located at Washington Navy Yard, Washington, District of Columbia, that house the United States Navy Museum (in this section referred to as the ''Museum'') for the purpose of carrying out the following activities:

(A) Generation of revenue for the Museum through the rental of facilities to the public, commercial and non-profit entities, State and local governments, and other Federal agencies.

(B) Administrative activities in support of the Museum.

(2) LIMITATION.—Any activities carried out at the facilities leased or licensed under paragraph (1) must be consistent with the operations of the Museum.

(b) CONSIDERATION.—The amount of consideration paid in a year by the Foundation to the United States for the lease or license of facilities under subsection (a) may not exceed the actual cost, as determined by the Secretary, of the annual operation and maintenance of the facilities.

(c) USE OF PROCEEDS.—

(1) DEPOSIT OF PROCEEDS.—The Secretary shall deposit any amounts received under subsection (b) for the lease or license of facilities under subsection (a) into the account for appropriations available for the operation and maintenance of the Museum.

(2) AVAILABILITY OF AMOUNTS.—The Secretary may use any amounts deposited under paragraph (1) to cover the costs associated with the operation and maintenance of the Museum and its exhibits.

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

**PART III—AIR FORCE CONVEYANCES**

AMENDMENT NO. 1568, AS MODIFIED

(Purpose: To require quarterly reports on audits of task or delivery order contracts and other contracts related to security and reconstruction activities in Iraq and Afghanistan and to address irregularities identified in such reports)

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

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

(a) QUARTERLY REPORTS.—

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

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

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

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

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

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

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

(e) RELEASE OF WITHHELD PAYMENTS.—Upon a subsequent determination by the appropriate Federal procurement personnel, or investigative or audit component of the Department of Defense, that any unsupported or questioned costs for which an amount payable was withheld under subsection (d) has been determined to be allowable, or upon a settlement negotiated by the appropriate Federal procurement personnel, the appropriate Federal procurement personnel may release such amount for payment to the contractor concerned.

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

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

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

(g) DEFINITIONS.—In this section:

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

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

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

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

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

(B) The Defense Contract Audit Agency.

(C) The Defense Contract Management Agency.

(D) The Army Audit Agency.

(E) The Naval Audit Service.

(F) The Air Force Audit Agency.

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

AMENDMENT NO. 1574, AS MODIFIED

(Purpose: To require a report on the development of a second domestic source for tire production and supply for the Stryker combat vehicle)

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

**SEC. 114. SECOND SOURCE FOR PRODUCTION AND SUPPLY OF TIRES FOR THE STRYKER COMBAT VEHICLE.**

(a) REQUIREMENT.—The Secretary of the Army shall conduct a study of the feasibility and costs and benefits for the participation of a second source for the production and supply of tires for the Stryker combat vehicle, to be procured by the Army with funds authorized to be appropriated in this act.

(c) REPORT.—Not later than 90 days after the date of the enactment of the Act. The Secretary shall submit to the congressional defense committees a report on the results of the study under subsection (a). The report shall include—

(1) an analysis of the capacity of the industrial base in the United States to meet requirements for a second source for the production and supply of tires for the Stryker combat vehicle; and

(2) to the extent that 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.

AMENDMENT NO. 1578, AS MODIFIED

(Purpose: To require reports on significant increases in program acquisition unit costs or procurement unit costs of major defense acquisition programs)

At the end of subtitle 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).

(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 2430 of title 10, United States Code.

AMENDMENT NO. 2446

(Purpose: To require a report on the Department of Defense response to the findings and recommendations of the Defense Science Board Task Force on High Performance Microchip Supply)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 2447

(Purpose: To express the sense of the Senate regarding the investment of funds as called for in the Depot Maintenance Strategy and Master Plan of the Air Force)

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

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

(a) FINDINGS.—The Senate finds that—

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

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

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

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

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

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

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

AMENDMENT NO. 2448

(Purpose: To state the policy of the United States on the intercontinental ballistic missile force)

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 2449

(Purpose: To require a study on the use of the Space Radar for topographic mapping for scientific and civil purposes)

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

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

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

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

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

(2) A description and evaluation of any additions or modifications to the Space Radar identified by the Secretary for purposes of the report that would increase the utility of the Space Radar to the scientific community or other elements of the private sector for scientific or civil purposes, including the utilization of additional frequencies, the development or enhancement of ground systems, and the enhancement of operations.

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

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

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

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

AMENDMENT NO. 2450

(Purpose: To amend the assistance to local educational agencies with significant enrollment changes in military dependent students due to force structure changes, troop relocations, creation of new units, and realignment under BRAC)

In the section heading of section 582, insert ''**OR DECREASES**'' after ''**INCREASES**''.

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

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

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

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

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

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

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

AMENDMENT NO. 2451

(Purpose: To authorize pilot projects to encourage pediatric early literacy among children of members of the Armed Forces)

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

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

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

(b) LOCATIONS.—

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

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

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

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

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

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

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

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

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

(e) REPORT.—

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

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

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

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

(f) FUNDING.—

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

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

AMENDMENT NO. 2452

(Purpose: To require the Secretary of Defense to establish a uniform policy for the Armed Forces on parental leave and similar leave)

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

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

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

(b) UNIFORMITY ACROSS ARMED FORCES.—The policy prescribed under subsection (a) shall apply uniformly across the Armed Forces.

AMENDMENT NO. 2453

(Purpose: To make available $80,000,000 for coproduction of the Arrow ballistic missile defense system)

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

**SEC. 224. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.**

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

AMENDMENT NO. 2454

(Purpose: Relating to the acquisition strategy of the Department of Defense for commercial satellite communication services)

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

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

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

(b) REPORT ON ACQUISITION STRATEGY.—

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

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

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

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

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

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

(C) A proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite communications services using methods of aggregating purchases and leveraging the purchasing power of the Department (including the use of multiyear contracting), or if the use of such methods is determined inadvisable, a statement of the rationale for such determination.

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

AMENDMENT NO. 2455

(Purpose: To require a report on nonstrategic nuclear weapons)

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

**SEC. 1205. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.**

(a) REVIEW.—No later than six months after date of enactment, the Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of United States and Russian nonstrategic nuclear weapons and determine whether it is in the national security interest of the United States—

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

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

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

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

(b) REPORT.—

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

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

AMENDMENT NO. 2456

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

**SEC. 718. MENTAL HEALTH COUNSELORS UNDER TRICARE.**

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

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

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

''(B) such services may be provided independently of medical oversight and supervision only in areas identified by the Secretary as 'medically underserved areas' where the Secretary determines that 25 percent or more of the residents are located in primary shortage areas designated pursuant to section 332 of the Public Health Services Act (42 U.S.C. 254e); and

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

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

AMENDMENT NO. 2457

(Purpose: To clarify certain authorities relating the Commission on the National Guard and Reserves)

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

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

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

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

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

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

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

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

AMENDMENT NO. 2458

(Purpose: To enhance various authorities to assist the recruitment efforts of the Armed Forces)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

At the end of division A, add the following:

## TITLE XV—RECRUITMENT AND RETENTION

**SEC. 1501. SHORT TITLE.**

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

**SEC. 1502. INCREASE IN MAXIMUM ENLISTMENT BONUS.**

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

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

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

(a) AUTHORITY TO PAY BONUS.—The Secretary of the Army may pay a bonus under this section to a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve, who refers to an Army recruiter a person who has not previously served in an Armed Force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

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

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

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

(c) CERTAIN REFERRALS INELIGIBLE.—

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

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

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

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

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

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

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

**SEC. 1504. INCREASE IN MAXIMUM AGE FOR ENLISTMENT.**

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

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

Section 308i(a)(2) of title 37, United States Code, is amended by striking subparagraph (D).

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

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

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

(2) by striking subparagraph (B); and

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

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

**SEC. 1507. ENHANCEMENT OF EDUCATIONAL LOAN REPAYMENT AUTHORITIES.**

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

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

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

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

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

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

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

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

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

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

**SEC. 1508. REPORT ON RESERVE DENTAL INSURANCE PROGRAM.**

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 2459

(Purpose: To require guidelines on the use of tiered evaluations for offers for contracts and task orders under contracts)

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

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

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall prescribe guidance for the military departments and the Defense Agencies on the use of tiered evaluations of offers or proposals of offerors for contracts and for task orders under contracts.

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

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

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

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

AMENDMENT NO. 2460

(Purpose: To provide for consumer education on insurance and other financial services for members of the Armed Forces and their spouses)

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

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

(a) EDUCATION AND COUNSELING REQUIREMENTS.—

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

**''§ 992. Consumer education: financial services**

''(a) REQUIREMENT FOR CONSUMER EDUCATION PROGRAM FOR MEMBERS.—(1) The Secretary concerned shall carry out a program

to provide comprehensive education to members of the armed forces under the jurisdiction of the Secretary on—

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

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

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

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

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

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

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

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

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

''(b) COUNSELING FOR MEMBERS AND SPOUSES.—(1) The Secretary concerned shall, upon request, provide counseling on financial services to each member of the armed forces, and such member's spouse, under the jurisdiction of the Secretary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(2) Investments in securities or financial instruments.

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

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

''992. Consumer education: financial services.''.

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

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

AMENDMENT NO. 2461

(Purpose: To authorize funding for a human resources benefit call center for the Navy)

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

**SEC. 304. NAVY HUMAN RESOURCES BENEFIT CALL CENTER.**

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

AMENDMENT NO. 2462

(Purpose: To require a report on any proposed change to the acquisition strategy for a defense or joint business information system)

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

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

(a) REPORT REQUIRED.—The Secretary of Defense shall notify the congressional defense committees not less than 60 days before cancelling a major automated information system program that has been fielded or approved to be fielded, or making a change that will significantly reduce the scope of such a program, of the proposed cancellation or change.

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

(1) the specific justification for the proposed change;

(2) a description of the impact of the proposed change on the Departments ability to achieve the objectives of the program that has been cancelled or changed:

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

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

(e) DEFINITIONS.—In this section:

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

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

AMENDMENT NO. 2463

(Purpose: To provide that, of the amount authorized to be appropriated to the Department of Army for military construction projects at Fort Gillem, Georgia, $4,550,000 is available for the construction of a military police complex at Fort Gordon, Georgia)

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

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

| | | |
|---|---|---|
| | Fort Gordon ..... | $4,550,000 |

AMENDMENT NO. 2464

(Purpose: To increase by $360,800,000 the amount of supplemental appropriations for Other Procurement, Army, for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan or for other Army priorities, and to provide an offset)

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

**SEC. 1411. TACTICAL WHEELED VEHICLES.**

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

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

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

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

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

AMENDMENT NO. 2465

(Purpose: To make available, with an offset, $10,000,000 for the pilot projects on early diagnosis and treatment of Post Traumatic Stress Disorder and other mental health conditions)

At the end of section 732, add the following:

(d) FUNDING.—

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

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

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

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

AMENDMENT NO. 2466

(Purpose: To improve recruitment and retention in the Armed Forces)

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

310(a) of title 37;

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

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

At the end of title VI, add the following:

**Subtitle F—Enhancement of Authorities for Recruitment and Retention**

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

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

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

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

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

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

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

''(5)(A) The Secretary of Defense may prescribe a temporary increase in rates of basic allowance for housing in a military housing area located in an area for which a major disaster has been declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

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

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

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

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

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

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

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

(b) CONSTRUCTION WITH OTHER PERSONNEL AUTHORITIES.—

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

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

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

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

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

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

(c) PLANS.—

(1) DEVELOPMENT OF PLANS.—Before providing an incentive under subsection (a), or entering into any agreement or contract with respect to the provision of such incentive, the Secretary shall develop a plan that includes—

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

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

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

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

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

(B) to Congress.

(d) LIMITATIONS.—

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

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

(e) REPORTS.—

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

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

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

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

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

(a) PAY AND BENEFITS AUTHORIZED.—

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

**''§ 1175a. Voluntary separation pay and benefits**

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

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

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

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

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

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

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

''(ii) grade or rank;

''(iii) remaining period of obligated service; or

''(iv) any combination of these factors; and

''(E) requests separation from active duty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) a single lump sum;

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

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

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

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

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

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

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

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

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

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

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

''(3) Members who are recalled or perform active duty or full-time National Guard duty in accordance with section 101(d)(1), 101(d)(2), 101(d)(5), 12301(d) (insofar as the period served is less than 180 consecutive days with the consent of the member), 12319, or 12503 of title 10, or section 114, 115, or 502(f)(2) of title 32 (insofar as the period served is less than 180 consecutive days with consent of the member), shall not be subject to this subsection.

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

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

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

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

''1175a. Voluntary separation pay and benefits.''.

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

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

AMENDMENT NO. 2467

(Purpose: To improve the authority for reimbursement for protective, safety, and health equipment purchased for members of the Armed Forces deployed in Iraq and Central Asia)

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

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

(a) REIMBURSEMENT REQUIRED.—

(1) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

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

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

(b) PROTECTIVE EQUIPMENT REIMBURSEMENT FUND.—

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

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

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

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

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

(B) The cost of such equipment.

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

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

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

(2) $1,100.

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

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

(g) FUNDING.—

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

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

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

AMENDMENT NO. 2468

(Purpose: To require a report on predatory lending directed at members of the Armed Forces and their dependents)

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

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

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

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

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

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

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

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

(2) the Senate should consider and adopt legislation—

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

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

(c) REPORT.—

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

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

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

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

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

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

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

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

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

(3) DEFINITIONS.—In this subsection:

(A) The term ''appropriate committees of Congress'' means—

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

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

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

AMENDMENT NO. 2469

(Purpose: To authorize $1,440,000 in planning and design funds for a replacement C-130 aircraft maintenance hangar at Air National Guard New Castle County Airport, and to provide an offset)

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

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

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

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

(c) OFFSET.—The amount authorized to be appropriated by section 2204(a) for military construction, land acquisition, and military family housing functions of the Department of the Navy and the amount of such funds authorized by paragraph (11) of such subsection for the construction of increment 3 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, are each hereby decreased by $1,440,000.

AMENDMENT NO. 2470

(Purpose: Expressing the sense of the Senate on notice to Congress of the recognition of members of the Armed Forces for extraordinary acts of heroism, bravery, and achievement)

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

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

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

AMENDMENT NO. 2471

(Purpose: To improve transitional assistance provided for members of the Armed Forces being discharged, released from active duty, or retired)

At the end of division A, add the following:

**TITLE XV—TRANSITION SERVICES**

**SEC. 1501. SHORT TITLE.**

This title may be cited as the ''Veterans' Enhanced Transition Services Act of 2005''.

**SEC. 1502. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.**

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

(1) in subsection (a)—

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

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

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

(2) in subsection (b)—

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

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

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

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

''(C)''; and

(B) by adding at the end the following:

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

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

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

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

''(15) Contact information for housing counseling assistance.

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

(b) CONFORMING AND CLERICAL AMENDMENTS.—

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

**''§ 1142. Members separating from active duty: preseparation counseling''.**

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

''1142. Members separating from active duty: preseparation counseling.''.

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 1504. REPORT ON TRANSITION ASSISTANCE PROGRAMS.**

(a) REPORT REQUIRED.—Not later than May 1, 2006, the Secretary of Defense shall, in consultation with the Secretary of Labor and the Secretary of Veterans Affairs, submit to Congress a report on the actions taken to ensure that the Transition Assistance Programs for members of the Armed Forces separating from the Armed Forces (including members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces) function effectively to provide such members with timely and comprehensive transition assistance when separating from the Armed Forces.

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

(1) Members deployed to Operation Iraqi Freedom.

(2) Members deployed to Operation Enduring Freedom.

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

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

Mr. WARNER. I move to reconsider the vote.

Mr. LEVIN. I lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. I thank my colleague from Michigan for working together with colleagues on both sides of the aisle. We achieved a substantial amount of work. Tomorrow we will return, and my rough calculation with regard to the amendments is of the 12 on the majority side, we have the Chambliss amendment, which might be subject to a second degree; we have the Ensign amendment, which is now the pending amendment; there is an amendment by Senator TALENT, Senator GRAHAM, Senator INHOFE that involves prayer at the service academies; Senator FRIST in recognition of our troops and others participating in the war against terrorism; and consent to Brownback which is an amendment regarding personal notification relating to the men and women of the Armed Forces in cases where he deems parental consent is appropriate. And the Senator from Virginia, Senator WARNER, has an amendment.

I have the list of the Senator from Michigan. Six of the 12 amendments have been acted upon by the Senate. To the extent the Senator can advise the Senate of the remaining amendments, it would be helpful.

Mr. LEVIN. Mr. President, I thank my good friend from Virginia. We have on our side disposed of six amendments. We are trying to boil down the balance of the amendments. We have to boil down to six. We have not yet done that. I don't want to identify which ones other than to say we know there will be a Dorgan amendment on the Truman Commission which we hope will come immediately after lunch tomorrow. There is still a surplus of amendments we have to work out.

Mr. WARNER. I bring to the attention of my good friend and colleague, we have provided the Senator with copies of the amendments by Senator CHAMBLISS, Senator ENSIGN, Senator TALENT. The amendment by Senator GRAHAM is still under work. Senator INHOFE, you have that amendment. Senator FRIST's amendment we have not as yet distributed. The Brownback amendment will be provided to you tonight. And we have not as yet provided you with the one of the Senator from Virginia.

Mr. LEVIN. To be more helpful, the Dorgan amendment has been filed.

There is a likelihood there will be a Durbin amendment on Guard and Reserve which also has been filed. I don't want to lock that in as one because we are still juggling. That has been filed. It is likely that will be one of the six.

Mr. WARNER. That would not be the proposed second degree to the Chambliss amendment? The Chambliss amendment is Guard and Reserve, too.

Mr. LEVIN. I don't think it is, but I am not certain.

Mr. WARNER. This is helpful to colleagues as they are doing their work tonight in support of what we are trying to achieve with final passage tomorrow.

AMENDMENT NO. 2423

Mr. DODD. Mr. President, I would like to briefly discuss an amendment that was offered to the Defense Authorization bill yesterday by the Senators from Colorado. I voted against this measure, and I did so with some reservation.

If approved by this body, this amendment would have provided retirement benefits to government contract workers, who, by no fault of their own, now find themselves denied of pension and lifetime medical benefits that they were expecting to receive. In fact, the tragedy of their situation is that because of these workers' efficiency, they are actually being denied pensions and health insurance—in this case, they are clearly victims of their own success.

As the Senators from Colorado explained, the Federal Government had given employees of Kaiser Hill Company until December 15, 2006 to complete their work decontaminating and demolishing the former nuclear weapons facility at Rocky Flats. However, because Kaiser Hill's workers finished their work a year ahead of schedule, they are being penalized under the terms of their contract.

Like countless other Federal contracts, the arrangement for Rocky Flats workers used a numerical formula for determining who would receive lifetime benefits after the work's completion—if the sum of an employee's age and years of employment at the nuclear weapons plant added up to 70, the worker would be fully eligible for these benefits. But with Kaiser Hill declaring the job complete 14 months before their deadline, over 70 workers who would have qualified for these benefits could not.

I commend the Senators from Colorado for offering their amendment. They have every right to be troubled by the way workers in their State have been affected by this contract. And I share their deep concern that rather than be rewarded for their good work, the workers of Rocky Flats are actually unable to obtain the benefits that they had expected. Under terms of such a contract there is absolutely no incentive for workers to perform as effectively as these fine Kaiser-Hill employees did. I cannot disagree with that notion at all.

Nonetheless, yesterday, I felt compelled to vote against the amendment—not because it was offered without the best of intentions. I believe that the workers of Kaiser-Hill deserve to be commended for their quick and thorough work. However, I am afraid that if we are to single out these workers' contract, Congress would be creating an unfair standard that would help one segment of the Nation's Federal contracting workforce while leaving the rest without any similar support.

If this amendment had been approved, I would be concerned about benefiting some to the exclusion of others who might be deserving of similar consideration. I believe that we ought to revisit the issues facing these workers in the context of other Federal contract employees who might be in a similar situation. I stand ready to work with my colleagues from Colorado as well as others from other States who share my concern about these workers, who have been penalized due to no fault of their own. I believe that the Senators from Colorado have identified a critically important problem with formulas being used to regulate benefit disbursements in Federal contracts. And I hope these issues will be revisited to ensure that we are rewarding good and efficient performance and providing American workers the benefits that they deserve.

VOTE EXPLANATION

Mr. HATCH. Mr. President, I was necessarily absent from the vote on amendment No. 2423, Senator ALLARD's amendment, during consideration of the Fiscal Year 2006 Defense Authorization bill. As my constituents know, with my wife Elaine, I was hosting the 21st Annual Utah Women's Conference. Mr. President, this is an important event, in which the women of the State of Utah can directly inform our State's leaders about the issues that affect them and their families.

Had I been present to vote on Senator ALLARD's amendment, I would have voted against the proposal.

AMENDMENT NO. 1514

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment to the FY06 National Defense Authorization Act that authorizes the Navy to convey approximately 230 acres of open space land along the eastern boundary of Marine Corps Air Station Miramar to the County of San Diego in order to provide access to the historic Stowe Trail.

The Stowe Trail at one time functioned as the primary road leading to the historic town of Stowe, and now links the Goodan Ranch and Sycamore Canyon Preserves in the north with the Mission Trails Regional Park and Santee Lakes Regional Recreation Area further south.

According to county records, up until the 1930s when access to this portion became restricted for military use, the Stowe Trail had served for some 80 years as the principle thoroughfare between the towns of Santee and Poway.

The 230 acres of land that would be conveyed by the Navy under this provision include diverse plant and animal life and environmentally-sensitive habitats and would provide a natural wildlife corridor between the two preserves, as well as with the Santee Lakes Recreation Area.

Under the control of the County of San Diego, this land will become part of an extensive open space trail system that will not only increase recreational opportunities in the region, but will also provide buffer zone that will mitigate against potential encroachment that could impact the essential military missions at Marine Corps Air Station Miramar.

It is important to point out that this proposed land conveyance is the fruition of a process set in motion jointly by the San Diego County Board of Supervisors and Marine Corps Air Station Miramar in 2002.

Both sides have worked together closely since that time to ensure that the result will be a win-win situation for both the County and the Marines.

For example, as part of the land conveyance process, the County of San Diego has fully committed to compensate the Navy by paying the full fair market value for this property.

AMENDMENT NO. 2424

Mr. NELSON of Florida. Mr. President, for the last 4 years I have been talking about the unfair and painful offset of the Defense Department's Survivors Benefits Plan against Veteran's Affairs Dependency and Indemnity Compensation, or DIC.

This offset mistreats the survivors of our service members who die on active duty now and our 100 percent disabled military retirees who purchased this benefit at the end of their careers. It is wrong, we know it, and we have got to fix it.

Taking care of widows and orphans is a cost of war.

I have reminded the Senate of the Good Book's words, that in God's eyes the true measure of our faith is how we look after orphans and widows in their distress. And they are in distress. We are in a violent struggle around the world with brutal and vicious enemies. Sadly, American troops are lost every day.

We must never forget that the loved ones left behind by our courageous men and women in uniform bear the greatest pain. Their lives are forever altered; their futures left unclear. They suffer the enduring cost of the ultimate sacrifice, and the Nation that asked for that sacrifice must honor it.

The Department of Defense has provided the Senate several objections to our amendment. For the benefit of my colleagues, I would like to answer each objection.

First, just because the Pentagon objects to the amendment does not mean we should not act. The Pentagon's objections have not stopped Congress from correcting military benefit inequities before. They should not stop us now.

The Pentagon objected to TRICARE For Life. And the Congress supported it anyway.

The Pentagon objected to concurrent receipt for disabled military retirees. And the Congress supported it anyway.

Last year, the Pentagon objected to eliminating the age-62 SBP benefit reduction. And Congress fixed that inequity anyway.

I remind my colleagues that it is Congress' responsibility to ensure our widows and retirees are treated fairly. We are the ones who must recognize that the Nation has an obligation to those who give their lives for our country.

The Defense Department argues that a VA Disability Benefits Commission is studying this, so we should not take any action. There is no indication whatsoever that the commission is actively looking at either of the issues addressed in my amendment. We understand that they are about to ask for a 1 year extension. The fact is that nothing will come out of that commission until at least fiscal year 2009. That is too late to help the World War II and Korean era retirees who should already be ''paid up'' in their SBP. We don't need to study these issues for several more years. The inequities are clear.

The Defense Department argues that SBP and DIC are fully funded and that the offset is consistent with other Government programs. They are not fully funded from the beneficiaries' perspective, because one offsets the other. The fact that other Government programs have offsets is irrelevant when you consider the sacrifices of military members and widows for the rest of the country.

This same argument was used to argue against concurrent receipt of retired pay and disability compensation, but the Congress rejected it 2 years ago. When military duty causes the disability or death of a servicemember, all comparisons with other Government programs seem hollow.

The Defense Department argues that they refund the premiums for the SBP that is not paid to the widows of our 100 percent disable retirees. I know a thing or two about insurance. When someone buys an insurance policy and then dies, no insurance company in America could get away with saying, ''sorry, we're not going to pay; here's a refund of your premiums.''

Not only that, but the Government does not even pay interest on the refunded premiums. However, let a widow get an overpayment from the Government, and the Government insists on collecting interest from her. These widows are rightly saying ''keep your premium refund; give me the benefit we purchased.''

The Department of Defense argues that the law lets widows assign the SBP benefit to their children and, in fact, draw both their VA and SBP benefits. This is not true for the vast majority. It applies only to widows who have children and only to those whose husbands were killed since November 24, 2003. It does absolutely nothing for more than 90 percent of widows affected by this inequity.

Even for those widows with kids, who do have the option, it poses a terrible choice. If they assign the benefit to their children, they lose it completely after their children reach age 18, or 22 if they go to college. One Army Sergeant Major's widow in this situation had two children in college. She made the choice to assign the SBP to them to help them stay in school. But the price of that decision is she will lose her annuity as soon as they graduate, and will have to live on $993 a month. We shouldn't put widows in a position of sacrificing their long-term financial health for the immediate needs of their families.

As usual, the Defense Department says fixing this inequity would cost money. We all acknowledge that this will cost money. Everything we do costs money. But when something is the right thing to do, then we do it. Sometimes we compromise to pay the cost over time. But we find a way to do it. And that is what we should do now.

The Defense Department argues that we shouldn't fix the SBP/DIC offset or the ''Greatest Generation'' SBP tax because we raised the age-62 SBP benefit last year. Not true. For the vast majority of the people affected by my amendment, last year's SBP fix did nothing. Many widows affected by the SBP/DIC offset still have their entire SBP annuity eliminated by the DIC offset. They get zero benefit from last year's change to SBP.

One big reason for that is most servicemembers being killed on active duty today are junior—not 62 years old—and they don't have a very large SBP benefit. Their benefit would be much less than the $993 a month in VA DIC their survivors will receive. But that doesn't mean their loved ones aren't entitled to that small benefit.

Also, last year's law did nothing for the World War II and Korean-era retirees who already have paid almost 20 percent more SBP premiums than later retirees, and who will end up paying one-third more if we don't change the law this year. These benefit changes affect different populations. Just because we brought fairness to one part of the retiree population last year doesn't mean that the others don't deserve fairness too.

The Department of Defense argues that this change isn't needed because we raised the death gratuity to $100,000 and raised Servicemembers' Group Life Insurance, SGLI, to $400,000 earlier this year. It is correct that Congress made those changes, but the idea that fixing the SBP–DIC offset is now unnecessary couldn't be further from the truth.

I am proud to have supported those changes to the death gratuity and SGLI, but they did nothing to help the vast majority of DIC widows and they certainly didn't help our ''Greatest Generation'' retirees. They only help the survivors of those killed in combat since 2001. Thousands of servicemembers gave their lives and their health for their country in hot and cold wars before that date. Their survivors have had no relief and most are living on $993 a month. That is just wrong.

We have gone around and around on this issue over the years. We are in a dangerous and long term war with an evil and intractable enemy. We owe those who go in harm's way the assurance that the loved ones they leave behind will get all the care a grateful Nation can provide. It is the right thing to do, and now is the time to do it.

Mrs. DOLE. Mr. President, these are certainly challenging times for our Nation—particularly as we confront an ever-emboldened terrorist network that seeks to threaten civilized societies and destroy our way of life. The threats are very real and the stakes are very high. Thank God we have men and women who are answering the call of duty by proudly wearing the uniform of the United States and defending our homeland here and abroad. It is imperative that we continually show them and their families just how much we appreciate and honor their service and their sacrifice.

This Defense authorization bill certainly provides for much needed programs that will increase readiness and quality of life for our military personnel, and I applaud our distinguished Armed Services chairman, JOHN WARNER, and Majority Leader FRIST for moving this bill forward. I represent a strong military constituency in North Carolina, and I am delighted that this bill includes several of my proposals addressing critical areas of need. I will briefly highlight a few of them.

One of my amendments makes mental health counseling more accessible for service members and their families. It allows certified and licensed mental health counselors to directly bill TRICARE without a physician's referral, in Under Served Areas—those areas where there is an insufficient availability of mental health care providers.

It is estimated that over half of U.S. counties have no practicing psychiatrists, psychologists, or social workers. Mental health counselors can certainly help fill the void. The Department of Health and Human Services already has in place a loan repayment program to encourage mental health counselors to work in underserved areas. My amendment removes barriers for those counselors to serve our military members—especially the reservists and guardsmen who often live in rural areas.

There is no question that when our military men and women are deployed and separated from their families, the emotional stress and trauma can be unimaginable. It is absolutely imperative that they have access to mental health services not only to mitigate potential long term affects like depression, violence or divorce—but also to ease the

reintegration into their family, and society, following long deployments. Caring for our servicemembers' mental as well as physical health is critical in retaining quality forces for our nation's defense.

In last year's Defense authorization bill, my effort to have marriage and family therapists added to the list of mental health care providers available under TRICARE was successful. But with the ongoing war on terror, the reality is that more needs to be done.

Another area we must all be concerned about is the blatant targeting of servicemembers by predatory lenders. It is an egregious practice that must be stopped. Not only can these practices lead to a cycle of financial and professional suffering for individual servicemembers and their families, but they can also have serious ramifications for our military's operational readiness. Military conduct codes stress financial solvency, and a member with bad credit and mounting debt can face potentially career-ending disciplinary measures.

Many young troops—like many young people across the country—do not have a cushion of savings to use in an emergency, and most are not educated in financial management. In this time of more frequent and extended deployments, servicemembers are faced with extra expenses due to preparing for deployments and family emergencies that can force them or their spouses to look to predatory lenders for short-term relief.

My amendment on predatory lending practices has two components. First, it places the Senate on record acknowledging predatory lending practices. Second, it requires the Defense Department, in consultation with Treasury, the Federal Reserve, the FDIC, and representatives of military charity and consumer organizations, to report to Congress within 90 days on several matters: their current and planned programs to assess the prevalence of predatory lending and to educate servicemembers and their families; and second, their recommendations for specific legislative and administrative actions to prevent or eliminate predatory lending.

The Army has identified personal financial issues as one of the most difficult problems facing military families. I couldn't agree more. This Defense authorization bill will get the ball rolling on some much-needed action, and I am very pleased to have the support of groups such as the Consumer Federation of America, the Center for Responsible Lending, the Military Coalition, and the Fleet Reserve Association.

Finally, another of my amendments directs that acquisition personnel receive training on the requirements and application of the Berry amendment. Implemented in 1941, the Berry amendment requires the Defense Department to give preference in procurement to domestically produced, manufactured, or home grown products. In my view, this is essential to supporting the businesses that supply our troops with the equipment they need to carry out their duties.

I am pleased that each of these amendments has been included in this authorization bill. I believe they reaffirm the commitment of this Congress to our military personnel, to their families, and to our entire Nation.

## MORNING BUSINESS

Mr. WARNER. I ask unanimous consent that there be a period of morning business not to exceed 10 minutes.

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

## RECONCILIATION TAX CUT BILL

Mr. VOINOVICH. Mr. President, I rise to comment on the reconciliation tax relief bill that will most likely come before the Senate next week. I felt it necessary to come and speak on this topic because I am thinking of not only our generation but of the generations of our children and grandchildren and the legacy we leave them.

How do the decisions we make in the Senate today affect their lives after we have long left this body? That is a question I will be asking should the Senate, as I expect it will, begin debate on reconciliation for tax cuts.

Last week, Alan Greenspan testified before the Joint Economic Committee and told Congress:

> We should not be cutting taxes by borrowing. We do not have the capability of having both productive tax cuts and large expenditure increases, and presume that the deficit doesn't matter.

I do not know how anyone can say with a straight face that when we voted to cut spending last week to help achieve deficit reductions we can now then turn around 2 weeks later to provide tax cuts that exceed the reductions that we made in spending. It just does not make any sense, and I think it does not make any sense to the American people.

Well, I for one am taking Chairman Greenspan's warning seriously. Last week, I voted to cut spending. And should tax cuts come to the floor next week, I will vote against them. I believe it is the only responsible course of action.

There are three reasons we should oppose tax cuts at this time: No. 1, we cannot afford these tax cuts; No. 2, we do not need these tax cuts; and, No. 3, we should be working on tax reform rather than tax cuts.

In case anyone has forgotten, the deficit for fiscal year 2005 was $317 billion. That was the third largest deficit in our Nation's history. The first and second largest deficits occurred in 2004 and in 2003.

On October 20, the gross Federal debt climbed past $8 trillion. Looking at this chart, you can see what is happening. This is the combined debt, the public and the Government debt. It climbed to over $8 trillion. And according to the Congressional Budget Office, in fiscal year 2005, interest on the public debt grew more rapidly than any other major spending category, rising 14 percent above the fiscal year 2004 level.

So we can see that this debt is escalating rapidly, and it is something about which we should all be very concerned.

Let me put this in perspective. Just the interest payments on the public debt are more than $1,600 for each taxpaying American—more than $1,600 for each tax-paying American. If we could wave a magic wand and stop adding to the deficit today—which we won't—the Federal debt would still be about $28,000 for every person in the United States, and close to $1 million each if it is left to those who are under 20 years of age.

And even if we were to start running surpluses as large as last year's deficit, it would still take us 14 years to pay off just the debt held by the public.

It is time to recognize a simple fact of life. Contrary to what some of my colleagues seem to believe, tax cuts do not pay for themselves.

We have heard about the impact of the previous tax cuts, how in the past few months revenues have exceeded expectations, and how economic growth would pay for all the tax cuts Congress enacted in 2003. But as this chart shows, exceeding expectations does not mean there was no revenue lost as a result of the tax cuts.

As shown on this chart, the red bar indicates what our revenues would have been had we not had the tax cuts. The blue bar shows what the projected revenue was as a result of the tax cuts. The green bar shows what we actually received as a result of the tax cuts. Now, we can see there is a difference between if we had not had the tax cuts and having the tax cuts.

Now, let's go to 2004. Shown in red is what we would have expected in revenues in 2004 had we not had the tax cuts. We had the tax cuts, and shown in blue is what was expected as a result of them. The good news is, we did receive more money than we anticipated from the tax cuts, as shown in the green.

Now, let's go to 2005. Again, the red bar shows what the projection was of what we would have had without the tax cuts. The blue bar shows what the projection was of the revenues we would have because we had the tax cuts. And the green bar shows actually what the revenues were that came in.

The fact is, tax cuts are never free. All during this time, we were adding to the national debt.

Now, I voted for tax cuts in 2001, 2002, and 2003 because the country needed stimulative medicine, and it worked. But like any other medicine, an overdose of tax cuts can, and in my opinion will, do more harm than the original disease.

In 2003, I said that $350 billion in tax cuts would be enough to get the economy moving, and now I am saying that