

South Carolina) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3263. Mr. KENNEDY (for himself, Mrs. FEINSTEIN, Mr. REED, Mr. LAUTENBERG, and Mr. FEINGOLD) proposed an amendment to the bill S. 2400, supra.

SA 3264. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3265. Ms. SNOWE (for herself, Mr. ALLEN, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3266. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3267. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3268. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3269. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3270. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3271. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3272. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3273. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3274. Mrs. DOLE (for Mr. ROBERTS) proposed an amendment to the bill S. 2400, supra.

SA 3275. Mrs. DOLE (for Mr. LEVIN) proposed an amendment to the bill S. 2400, supra.

SA 3276. Mrs. DOLE (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2400, supra.

SA 3277. Mrs. DOLE (for Mr. MILLER) proposed an amendment to the bill S. 2400, supra.

SA 3278. Mrs. DOLE (for Mr. STEVENS (for himself and Mr. INOUE)) proposed an amendment to the bill S. 2400, supra.

SA 3279. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3280. Mr. INHOFE (for himself, Mr. BINGAMAN, Ms. COLLINS, Mr. DORGAN, Ms. CANTWELL, Mr. KOHL, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3261.** Ms. CANTWELL (for herself, Mr. HOLLINGS, Mrs. MURRAY, Mrs. CLINTON, Mrs. FEINSTEIN, Mr. LAUTENBERG, and Mr. SCHUMER) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Beginning on page 384, strike line 3 and all that follows through page 391, line 7, and insert the following:

#### **SEC. 3117. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.**

(a) ANNUAL REPORT REQUIRED.—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section:

#### **“SEC. 4732. ANNUAL REPORT ON EXPENDITURES FOR SAFEGUARDS AND SECURITY.**

“The Secretary of Energy shall submit to Congress each year, in the budget justification materials submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted under section 1105(a) of title 31, United States Code), the following:

“(1) A detailed description and accounting of the proposed obligations and expenditures by the Department of Energy for safeguards and security in carrying out programs necessary for the national security for the fiscal year covered by such budget, including any technologies on safeguards and security proposed to be deployed or implemented during such fiscal year.

“(2) With respect to the fiscal year ending in the year before the year in which such budget is submitted, a detailed description and accounting of—

“(A) the policy on safeguards and security, including any modifications in such policy adopted or implemented during such fiscal year;

“(B) any initiatives on safeguards and security in effect or implemented during such fiscal year;

“(C) the amount obligated and expended for safeguards and security during such fiscal year, set forth by total amount, by amount per program, and by amount per facility; and

“(D) the technologies on safeguards and security deployed or implemented during such fiscal year.”

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 4731 the following new item:

“Sec. 4732. Annual report on expenditures for safeguards and security.”

#### **SEC. 3118. AUTHORITY TO CONSOLIDATE COUNTERINTELLIGENCE OFFICES OF DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION WITHIN NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) AUTHORITY.—The Secretary of Energy may consolidate the counterintelligence programs and functions referred to in subsection (b) within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and provide for their discharge by that Office.

(b) COVERED PROGRAMS AND FUNCTIONS.—The programs and functions referred to in this subsection are as follows:

(1) The functions and programs of the Office of Counterintelligence of the Department of Energy under section 215 of the Department of Energy Organization Act (42 U.S.C. 7144b).

(2) The functions and programs of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration under section 3232 of the National Nuclear Security Administration Act (50 U.S.C. 2422), including the counterintelligence programs under section 3233 of that Act (50 U.S.C. 2423).

(c) ESTABLISHMENT OF POLICY.—The Secretary shall have the responsibility to estab-

lish policy for the discharge of the counterintelligence programs and functions consolidated within the National Nuclear Security Administration under subsection (a) as provided for under section 213 of the Department of Energy Organization Act (42 U.S.C. 7144).

(d) PRESERVATION OF COUNTERINTELLIGENCE CAPABILITY.—In consolidating counterintelligence programs and functions within the National Nuclear Security Administration under subsection (a), the Secretary shall ensure that the counterintelligence capabilities of the Department of Energy and the National Nuclear Security Administration are in no way degraded or compromised.

(e) REPORT ON EXERCISE OF AUTHORITY.—In the event the Secretary exercises the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report on the exercise of the authority. The report shall include—

(1) a description of the manner in which the counterintelligence programs and functions referred to in subsection (b) shall be consolidated within the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration and discharged by that Office;

(2) a notice of the date on which that Office shall commence the discharge of such programs and functions, as so consolidated; and

(3) a proposal for such legislative action as the Secretary considers appropriate to effectuate the discharge of such programs and functions, as so consolidated, by that Office.

(f) DEADLINE FOR EXERCISE OF AUTHORITY.—The authority in subsection (a) may be exercised, if at all, not later than one year after the date of the enactment of this Act.

#### **SEC. 3119. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.**

(a) Notwithstanding any other provision of law the Department of Energy shall continue all activities related to the storage, retrieval, treatment, and separation of tank wastes currently managed as high level radioactive waste in accordance with treatment and closure plans approved by the state in which the activities are taking place as part of a program to clean up and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

(b) Of the amount authorized to be appropriated by section 3102(a)(1) for defense site acceleration completion, \$350,000,000 shall be available for the activities to be undertaken pursuant to subsection (a).

(b) SITES.—The sites referred to in this subsection are as follows:

(1) The Idaho National Engineering and Environmental Laboratory, Idaho.

(2) The Savannah River Site, Aiken, South Carolina.

(3) The Hanford Site, Richland, Washington.

**SA 3262.** Mr. CRAPO (for himself, Mr. CRAIG, Mr. ALEXANDER, and Mr. GRAHAM of South Carolina) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 384, line 15, strike “by rule in consultation” and all that follows through page 385, line 21, and insert “by rule approved by the Nuclear Regulatory Commission;

(2) has had highly radioactive radionuclides removed to the maximum extent practical in accordance with the Nuclear Regulatory Commission-approved criteria; and

(3) in the case of material derived from the storage tanks, is disposed of in a facility (including a tank) within the State pursuant to a State-approved closure plan or a State-issued permit, authority for the approval or issuance of which is conferred on the State outside of this Act.

(b) **INAPPLICABILITY TO CERTAIN MATERIALS.**—Subsection (a) shall not apply to any material otherwise covered by that subsection that is transported from the State.

(c) **SCOPE OF AUTHORITY TO CARRY OUT ACTIONS.**—The Department of Energy may implement any action authorized—

(1) by a State-approved closure plan or State-issued permit in existence on the date of enactment of this section; or

(2) by a closure plan approved by the State or a permit issued by the State during the pendency of the rulemaking provided for in subsection (a).

Any such action may be completed pursuant to the terms of the closure plan or the State-issued permit notwithstanding the final criteria adopted by the rulemaking pursuant to subsection (a).

(d) **STATE DEFINED.**—In this section, the term “State” means the State of South Carolina.

(e) **CONSTRUCTION.**—(1) Nothing in this section shall effect, alter, or modify the full implementation of—

(A) the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91-0035-S-EJL, and United States v. Batt, Civil No. 91-0054-S-EJL, in the United States District Court for the District of Idaho, and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement;

(B) the Idaho National Engineering Laboratory Federal Facility Agreement and Consent Order; or

(C) the Hanford Federal Facility Agreement and Consent Order.

(2) Nothing in this section establishes any precedent or is binding on the State of Idaho, the State of Washington, or any other State for the management, storage, treatment, and disposition of radioactive and hazardous materials.

**SA 3263.** Mr. KENNEDY (for himself, Mrs. FEINSTEIN, Mr. REED, Mr. LAUTENBERG, and Mr. FEINGOLD) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 3122. PROHIBITION ON USE OF FUNDS FOR NEW NUCLEAR WEAPONS DEVELOPMENT UNDER STOCKPILE SERVICES ADVANCED CONCEPTS INITIATIVE OR FOR ROBUST NUCLEAR EARTH PENETRATOR.**

None of the funds authorized to be appropriated by section 3101(a)(1) for the National Nuclear Security Administration for weapons activities may be obligated or expended for the following:

(1) The Stockpile Services Advanced Concepts Initiative for the support of new nuclear weapons development.

(2) The Robust Nuclear Earth Penetrator (RNEP).

**SA 3264.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 364. TRACKING AND CARE OF MEMBERS OF THE ARMED FORCES WHO ARE INJURED IN COMBAT.**

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

(1) Members of the Armed Forces of the United States place themselves in harms way in the defense of democratic values and to keep the United States safe.

(2) This call to duty has resulted in the ultimate SACRIFICE of members of the Armed Forces of the United States who are killed or critically injured while serving the United States.

(b) **SENSE OF SENATE.**—It is the sense of the Senate—

(1) to honor the SACRIFICE of the members of the Armed Forces who have been killed or critically wounded while serving the United States;

(2) to recognize the heroic efforts of the medical personnel of the Armed Forces in treating wounded military personnel and civilians; and

(3) to support advanced medical technologies that assist the medical personnel of the Armed Forces in saving lives and reducing disability rates for members of the Armed Forces.

(c) **PROCEDURES FOR TRACKING OF WOUNDED FROM COMBAT ZONES.**—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in regulations procedures for the Department of Defense to—

(A) notify the family of each member of the Armed Forces who is injured in a combat zone regarding such injury; and

(B) provide the family of each such member of the Armed Forces with information on any change of status, including health or location, of such member during the transportation of such member to a treatment destination.

(2) The Secretary shall transmit to Congress a copy of the procedures prescribed under paragraph (1).

(d) **MEDICAL EQUIPMENT AND COMBAT CASUALTY TECHNOLOGIES.**—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, \$10,000,000 of the amount in Program Element PE 0603826D8Z shall be available for medical equipment and combat casualty care technologies.

**SA 3265.** Ms. SNOWE (for herself, Mr. ALLEN, and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other

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

Beginning on page 167, strike line 6 and all that follows through page 169, line 21, and insert the following:

(B) persons who are representative of labor organizations associated with the defense industry, and persons who are representative of small business concerns or organizations of small business concerns that are involved in Department of Defense contracting and other Federal Government contracting.

(3) The appointment of the members of the Commission under this subsection shall be made not later than March 1, 2005.

(4) Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) The President shall designate one member of the Commission to serve as the Chairman of the Commission.

(c) **MEETINGS.**—(1) The Commission shall meet at the call of the Chairman.

(2) A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) **DUTIES.**—(1) The Commission shall—

(A) study the issues associated with the future of the national technology and industrial base in the global economy, particularly with respect to its effect on United States national security; and

(B) assess the future ability of the national technology and industrial base to attain the national security objectives set forth in section 2501 of title 10, United States Code.

(2) In carrying out the study and assessment under paragraph (1), the Commission shall consider the following matters:

(A) Existing and projected future capabilities of the national technology and industrial base.

(B) The impact on the national technology and industrial base of civil-military integration and the growing dependence of the Department of Defense on the commercial market for defense products and services.

(C) The effects of domestic source restrictions on the strength of the national technology and industrial base.

(D) The effects of the policies and practices of United States allies and trading partners on the national technology and industrial base.

(E) The effects on the national technology and industrial base of laws and regulations related to international trade and the export of defense technologies and dual-use technologies.

(F) The adequacy of programs that support science and engineering education, including programs that support defense science and engineering efforts at institutions of higher learning, with respect to meeting the needs of the national technology and industrial base.

(G) The implementation of policies and planning required under subchapter II of chapter 148 of title 10, United States Code, and other provisions of law designed to support the national technology and industrial base.

(H) The role of the Manufacturing Technology program, other Department of Defense research and development programs, and the utilization of the authorities of the Defense Production Act of 1950 to provide transformational breakthroughs in advanced manufacturing technologies and processes that ensure the strength and productivity of the national technology and industrial base.

(I) The role of small business concerns in strengthening the national technology and industrial base.

**SA 3266.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1022. REPORT ON ACCESS TO MILITARY TREATMENT FACILITIES BY MEMBERS OF THE DISABLED AMERICAN VETERANS.**

(a) REPORT.—Not later than \_\_\_ days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the policy of the Department of Defense on the access of members of the Disabled American Veterans (DAV) to military treatment facilities, including any encumbrances to the access of such members to such treatment facilities.

(b) ADDITIONAL ELEMENT.—The report shall include proposals to grant national service officers of the Disabled American Veterans access to wounded members of the Armed Forces at military treatment facilities.

**SA 3267.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On line 1, insert “subsection (b) of” after “Strike”.

**SA 3268.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

**SA 3269.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1022. REPORT ON COMMUNICATIONS WITH FAMILIES REGARDING CASUALTY INVESTIGATIONS AND REPORTS.**

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the

Secretary of Defense shall submit to Congress a report setting forth proposals for means of improving the procedures of the Department of Defense regarding the transfer of information on Department casualty investigations and reports to and from the families of the members of the Armed Forces concerned.

(b) PROCEDURES FOR ADDRESSING FREEDOM OF INFORMATION REQUESTS.—The report shall include appropriate procedures for addressing requests of families for information on Department casualty investigations and reports under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

**SA 3270.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 811(b).

**SEC. 1068. REQUIREMENT TO PERMIT FAMILY MEMBERS OR DESIGNEES TO GREET BODIES OF MEMBERS OF THE ARMED FORCES KILLED IN ACTION OVERSEAS UPON THE RETURN TO THE UNITED STATES.**

(a) REQUIREMENT.—The Secretary of Defense shall permit the family members of a member of the Armed Forces killed in action overseas, or the designees of such family members, to greet the body of the member of the Armed Forces at Dover Air Force Base, Delaware, upon the return of the body of the member of the Armed Forces from overseas.

(b) LIMITATION ON NUMBER IN GREETING.—The number of individuals who may greet the body of a member of the Armed Forces under subsection (a) may not exceed two individuals.

(c) PURPOSE.—The purpose of the greeting of a body of a member of the Armed Forces under subsection (a) shall be to permit the individuals greeting the body to escort the body to its place of burial.

**SA 3271.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 1022. REPORT ON CONTINUITY OF CARE FURNISHED BY DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR COMBAT INJURIES.**

Not later than \_\_\_ days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the status of efforts of the Department of Defense and the Department of Veterans Affairs to ensure that—

(1) members of the Armed Forces who are wounded or injured in combat receive the health care to which they are entitled from each Department;

(2) emerging trends in combat-related wounds and injuries are being identified and addressed by each Department in its programs of care; and

(3) the Department of Veterans Affairs receives from the Department of Defense in a timely and effective manner pre-deployment and post-deployment screening data on members of the Armed Forces collected by the Department of Defense that will assist the Department of Veterans Affairs in its clinical evaluation of veterans of combat.

**SA 3272.** Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 195, between lines 10 and 11, insert the following:

**SEC. 868. REQUIREMENT TO PROVIDE DOCUMENTS TO CONGRESS TO ENHANCE TRANSPARENCY IN DEPARTMENT OF DEFENSE CONTRACTING.**

(a) REQUIREMENT TO PROVIDE REQUESTED DOCUMENTS.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2333. Congressional oversight: submittal of contract documents**

“(a) REQUIREMENT TO PROVIDE REQUESTED DOCUMENTS.—Not later than 14 days after receiving from the chairman or ranking member of a committee of Congress named in subsection (b) a request for documents described in subsection (c) regarding a Department of Defense contract, the Secretary of Defense shall transmit an unredacted copy of each such document to the chairman or ranking member making the request.

“(b) REQUESTING COMMITTEES.—The committees of Congress referred to in subsection (a) are as follows:

“(1) The Committee on Armed Services of the Senate.

“(2) The Committee on Armed Services of the House of Representatives.

“(3) The Committee on Small Business and Entrepreneurship of the Senate.

“(4) The Committee on Small Business of the House of Representatives.

“(5) The Committee on Governmental Affairs of the Senate.

“(6) The Committee on Government Reform of the House of Representatives.

“(c) DOCUMENTS TO BE PROVIDED.—The requirement under subsection (a) applies to documents, relating to a contract, that are required to be maintained in the contracting office contract file, the contract administration office contract file, and the paying office contract file pursuant to subpart 4.8 of the Federal Acquisition Regulation, including—

“(1) copies of the contract and all modifications;

“(2) orders issued under the contract;

“(3) justifications and approvals;

“(4) any Government estimate of contract price;

“(5) source selection documentation;

“(6) cost or price analysis;

“(7) audit reports;

“(8) justification for type of contract;

“(9) authority for deviations from regulations, statutory requirements, or other restrictions;

“(10) bills, invoices, vouchers, and supporting documents; and

“(11) records of payments or receipts.

“(d) CONTRACT INCLUDES TASK OR DELIVERY ORDER.—In this section, the term ‘contract’ includes a task or delivery order under a task or delivery order contract.”

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

“2333. Congressional oversight: submittal of contract documents.”

**SA 3273.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 158, between lines 6 and 7, insert the following:

**SEC. 805. REVISION AND EXTENSION OF AUTHORITY FOR ADVISORY PANEL ON REVIEW OF GOVERNMENT PROCUREMENT LAWS AND REGULATIONS.**

(a) RELATIONSHIP OF RECOMMENDATIONS TO SMALL BUSINESSES.—Section 1423 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 106-136; 117 Stat. 1669; 41 U.S.C. 405 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) ISSUES RELATING TO SMALL BUSINESSES.—In developing recommendations under subsection (c)(2), the panel shall—

“(1) consider the effects of its recommendations on small business concerns; and

“(2) include any recommended modifications of laws, regulations, and policies that the panel considers necessary to enhance and ensure competition in contracting that affords small business concerns meaningful opportunity to participate in Federal Government contracts.”

(b) MEMBERSHIP.—Subsection (b) of such section is amended—

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

(2) by inserting “(1)” after “(b) MEMBERSHIP.—”; and

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

“(2) The Chief Counsel for Advocacy of the Small Business Administration, or a representative of the Chief Counsel designated by the Chief Counsel, shall be an ex officio member of the panel.”

(c) REVISION AND EXTENSION OF REPORTING REQUIREMENT.—Subsection (e) of such section, as redesignated by subsection (a)(1), is amended—

(1) by striking “REPORT.—”, and inserting “REPORTING REQUIREMENTS.—(1)”;

(2) by striking “one year after the establishment of the panel” and inserting “one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005”;

(3) by striking “Services and” both places it appears and inserting “Services,”;

(4) by inserting “, and Small Business” after “Government Reform”;

(5) by inserting “, and Small Business and Entrepreneurship” after “Governmental Affairs”; and

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

“(2) If the panel completes the report under paragraph (1) before the date of the en-

actment of the National Defense Authorization Act for Fiscal Year 2005, the panel may submit the report in accordance with that paragraph, but shall also—

“(A) review its findings and recommendations for consistency with subsection (d); and

“(B) not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005, submit to the committees of Congress specified in paragraph (1) a supplemental report that contains the conclusions of the panel upon review under subparagraph (A), together with any revised or additional recommendations resulting from the application of subsection (d)(2).”

**SA 3274.** Mrs. DOLE (for Mr. ROBERTS) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

At the end of subtitle C of title XXVIII, insert the following:

**SEC. 2830. LAND CONVEYANCE, SUNFLOWER ARMY AMMUNITION PLANT, KANSAS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army, in consultation with the Administrator of General Services, may convey to an entity selected by the Board of Commissioners of Johnson County, Kansas (in this section referred to as the “entity” and the “Board”, respectively), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 9,065 acres and containing the Sunflower Army Ammunition Plant. The purpose of the conveyance is to facilitate the re-use of the property for economic development and revitalization.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the entity shall provide the United States, whether by cash payment, in-kind contribution, or a combination thereof, an amount that is not less than the fair market value, as determined by an appraisal of the property acceptable to the Administrator and the Secretary. The Secretary may authorize the entity to carry out, as in-kind consideration, environmental remediation activities for the property conveyed under such subsection.

(2) The Secretary shall deposit any cash received as consideration under this subsection in a special account established pursuant to section 572(b) of title 40, United States Code, to pay for environmental remediation and explosives cleanup of the property conveyed under subsection (a).

(c) CONSTRUCTION WITH PREVIOUS LAND CONVEYANCE AUTHORITY ON SUNFLOWER ARMY AMMUNITION PLANT.—The authority in subsection (a) to make the conveyance described in that subsection is in addition to the authority under section 2823 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2712) to make the conveyance described in that section.

(d) ENVIRONMENTAL REMEDIATION AND EXPLOSIVES CLEANUP.—(1) Notwithstanding any other provision of law, the Secretary may enter into a multi-year cooperative agreement or contract with the entity to undertake environmental remediation and explosives cleanup of the property, and may utilize amounts authorized to be appropriated for the Secretary for purposes of environmental remediation and explosives cleanup under the agreement.

(2) The terms of the cooperative agreement or contract may provide for advance pay-

ments on an annual basis or for payments on a performance basis. Payments may be made over a period of time agreed to by the Secretary and the entity or for such time as may be necessary to perform the environmental remediation and explosives cleanup of the property, including any long-term operation and maintenance requirements.

(e) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the entity or other persons 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, and other administrative costs related to the conveyance.

(2) Amounts received under paragraph (1) shall be credited to the appropriation, fund, or account from which the costs were paid. Amounts so credited shall be merged with funds in such appropriation, fund, or account, and shall be available for the same purposes, and subject to the same limitations, as the funds with which merged.

(f) 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 jointly satisfactory to the Secretary and the Administrator.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary and the Administrator may require such additional terms and conditions in connection with the conveyance of real property under subsection (a), and the environmental remediation and explosives cleanup under subsection (d), as the Secretary and the Administrator jointly consider appropriate to protect the interests of the United States.

**SA 3275.** Mrs. DOLE (for Mr. LEVIN) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 280, after line 22, insert the following:

**SEC. 1068. PROTECTION OF ARMED FORCES PERSONNEL FROM RETALIATORY ACTIONS FOR COMMUNICATIONS MADE THROUGH THE CHAIN OF COMMAND.**

(a) PROTECTED COMMUNICATIONS.—Section 1034(b)(1)(B) of title 10, United States Code, is amended—

(1) by striking “or” at the end of clause (iii); and

(2) by striking clause (iv) and inserting the following:

“(iv) any person or organization in the chain of command; or

“(v) any other person or organization designated pursuant to regulations or other established administrative procedures for such communications.”

(b) EFFECTIVE DATE AND APPLICABILITY.—This section shall take effect on the date of the enactment of this Act and shall apply with respect to any unfavorable personnel action taken or threatened, and any withholding of or threat to withhold a favorable personnel action, on or after that date.

**SA 3276.** Mrs. DOLE (for Mr. LIEBERMAN) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

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

**SEC. 1022. REPORT ON TRAINING PROVIDED TO MEMBERS OF THE ARMED FORCES TO PREPARE FOR POST-CONFLICT OPERATIONS.**

(a) **STUDY ON TRAINING.**—The Secretary of Defense shall conduct a study to determine the extent to which members of the Armed Forces assigned to duty in support of contingency operations receive training in preparation for post-conflict operations and to evaluate the quality of such training.

(b) **MATTERS TO BE INCLUDED IN STUDY.**—As part of the study under subsection (a), the Secretary shall specifically evaluate the following:

(1) The doctrine, training, and leader-development system necessary to enable members of the Armed Forces to successfully operate in post-conflict operations.

(2) The adequacy of the curricula at military educational facilities to ensure that the Armed Forces has a cadre of members skilled in post-conflict duties, including a familiarity with applicable foreign languages and foreign cultures.

(3) The training time and resources available to members and units of the Armed Forces to develop cultural awareness about ethnic backgrounds and religious beliefs of the people living in areas in which post-conflict operations are likely to occur.

(4) The adequacy of training transformation to emphasize post-conflict operations, including interagency coordination in support of combatant commanders.

(c) **REPORT ON STUDY.**—Not later than May 1, 2005, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the result of the study conducted under this section.

**SA 3277.** Mrs. DOLE (for Mr. MILLER) proposed an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

On page 79, between lines 10 and 11, insert the following:

**SEC. 515. STUDY REGARDING PROMOTION ELIGIBILITY OF RETIRED WARRANT OFFICERS RECALLED TO ACTIVE DUTY.**

(a) **REQUIREMENT FOR STUDY.**—The Secretary of Defense shall carry out a study to determine whether it would be equitable for retired warrant officers on active duty, but not on the active-duty list by reason of section 582(2) of title 10, United States Code, to be eligible for consideration for promotion under section 573 of such title.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study under subsection (a). The report shall include a discussion of the Secretary's determination regarding the issue covered by the study, the rationale for the Secretary's determination, and any recommended legislation that the Secretary considers appropriate regarding that issue.

**SA 3278.** Mrs. DOLE (for Mr. STEVENS (for himself and Mr. INOUE)) proposed

an amendment to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Strike section 123 and insert the following:

**SEC. 123. PILOT PROGRAM FOR FLEXIBLE FUNDING OF SUBMARINE ENGINEERED REFUELING OVERHAUL AND CONVERSION.**

(a) **ESTABLISHMENT.**—The Secretary of the Navy may carry out a pilot program of flexible funding of engineered refueling overhauls and conversions of submarines in accordance with this section.

(b) **AUTHORITY.**—Under the pilot program, the Secretary of the Navy may, subject to subsection (d), transfer amounts described in subsection (c) to the authorization of appropriations for the Navy for procurement for shipbuilding and conversion for any fiscal year to continue to provide authorization of appropriations for any engineered refueling conversion or overhaul of a submarine of the Navy for which funds were initially provided on the basis of the authorization of appropriations to which transferred.

(c) **AMOUNTS AVAILABLE FOR TRANSFER.**—The amounts available for transfer under this section are amounts authorized to be appropriated to the Navy for any fiscal year after fiscal year 2004 and before fiscal year 2013 for the following purposes:

(1) For procurement as follows:

(A) For shipbuilding and conversion.

(B) For weapons procurement.

(C) For other procurement.

(2) For operation and maintenance.

(d) **LIMITATIONS.**—(1) A transfer may be made with respect to a submarine under this section only to meet either (or both) of the following requirements:

(A) An increase in the size of the workload for engineered refueling overhaul and conversion to meet existing requirements for the submarine.

(B) A new engineered refueling overhaul and conversion requirement resulting from a revision of the original baseline engineered refueling overhaul and conversion program for the submarine.

(2) A transfer may not be made under this section before the date that is 30 days after the date on which the Secretary of the Navy transmits to the congressional defense committees a written notification of the intended transfer. The notification shall include the following matters:

(A) The purpose of the transfer.

(B) The amounts to be transferred.

(C) Each account from which the funds are to be transferred.

(D) Each program, project, or activity from which the amounts are to be transferred.

(E) Each account to which the amounts are to be transferred.

(F) A discussion of the implications of the transfer for the total cost of the submarine engineered refueling overhaul and conversion program for which the transfer is to be made.

(e) **MERGER OF FUNDS.**—A transfer made from one account to another with respect to the engineered refueling overhaul and conversion of a submarine under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred and shall be available for the engineered refueling overhaul and conversion of such submarine for the same period as the account to which transferred.

(f) **RELATIONSHIP TO OTHER TRANSFER AUTHORITY.**—The authority to make transfers under this section is in addition to any other transfer authority provided in this or any other Act and is not subject to any restriction, limitation, or procedure that is applicable to the exercise of any such other authority.

(g) **FINAL REPORT.**—Not later than October 1, 2011, the Secretary of the Navy shall submit to the congressional defense committees a report containing the Secretary's evaluation of the efficacy of the authority provided under this section.

(h) **TERMINATION OF PROGRAM.**—No transfer may be made under this section after September 30, 2012.

**SA 3279.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 269, between lines 2 and 3, insert the following:

(f) **REPORT ON RELATIONSHIPS BETWEEN THE GOVERNMENT OF VENEZUELA AND TERRORIST ORGANIZATIONS IN COLOMBIA.**—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Director of Central Intelligence, submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report that describes—

(A) any relationships between the Government of Venezuela and foreign terrorist organizations based in Colombia, including the provision of any direct or indirect assistance to such organizations; and

(B) United States policies that are designed to address such relationships.

(2) The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

**SA 3280.** Mr. INHOFE (for himself, Mr. BINGAMAN, Ms. COLLINS, Mr. DORGAN, Ms. CANTWELL, Mr. KOHL, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . ENERGY SAVINGS PERFORMANCE CONTRACTS.**

(a) **PERMANENT EXTENSION.**—Effective September 30, 2003, section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

(b) **PAYMENT OF COSTS.**—Section 802 of the National Energy Conservation Policy Act (42 U.S.C. 8287a) is amended by inserting “, water, or wastewater treatment” after “payment of energy”.

(c) **ENERGY SAVINGS.**—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

“(2) The term ‘energy savings’ means a reduction in the cost of energy, water, or wastewater treatment, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

“(A) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

“(B) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

“(C) the increased efficient use of existing water sources in either interior or exterior applications.”.

(d) ENERGY SAVINGS CONTRACT.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

“(3) The terms ‘energy savings contract’ and ‘energy savings performance contract’ mean a contract that provides for the performance of services for the design, acquisition, installation, testing, and, where appropriate, operation, maintenance, and repair, of an identified energy or water conservation measure or series of measures at 1 or more locations. Such contracts shall, with respect to an agency facility that is a public building (as such term is defined in section 3301 of title 40, United States Code), be in compliance with the prospectus requirements and procedures of section 3307 of title 40, United States Code.”.

(e) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

“(4) The term ‘energy or water conservation measure’ means—

“(A) an energy conservation measure, as defined in section 551; or

“(B) a water conservation measure that improves the efficiency of water use, is life-cycle cost-effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities, or other related activities, not at a Federal hydroelectric facility.”.

(f) EXTENSION OF AUTHORITY.—Any energy savings performance contract entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) after October 1, 2003, and before the date of enactment of this Act, shall be deemed to have been entered into pursuant to such section 801 as amended by subsection (a) of this section.

## NOTICES OF HEARINGS/MEETINGS

### SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing originally scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources on Wednesday, June 16th, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building, has been indefinitely postponed.

The purpose of the hearing was to receive testimony on: 1. the grounding of multi-engine fire-retardant aircraft, 2. steps the Forest Service and Department of the Interior have taken to provide alternative aerial support for initial attack and extended attack fire

fighting operations in the short run, and 3. the feasibility and desirability of designing and implementing an inspection process to allow the use of multi-engine fire-retardant aircraft in the future.

For further information, please contact Frank Gladics at 202-224-2878 or Amy Millet at 202-224-8276.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 3, 2004, at 9:30 a.m. to conduct a hearing on “Bank Secrecy Act Enforcement.”

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

### COMMITTEE ON THE JUDICIARY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 3, 2004, at 9:30 a.m. in Dirksen Senate Building room 226.

## Agenda

### I. Nominations

Henry W. Saad to be U.S. Circuit Judge for the Sixth Circuit

### II. Legislation

S. 1735, Gang Prevention and Effective Deterrence Act of 2003 [Hatch, Feinstein, Grassley, Graham, Chambliss, Cornyn, Schumer, Biden];

S. 1635, A bill to amend the Immigration and Nationality Act to ensure the integrity of the L-1 visa for intracompany transferees [Chambliss];

S. 1129, Unaccompanied Alien Child Protection Act of 2003 [Feinstein, DeWine, Feingold, Kennedy, Leahy, Specter, Edwards, Durbin, Kohl, Schumer];

S. 2013, Satellite Home Viewer Extension Act of 2004 [Hatch, Leahy, DeWine, Kohl];

S. 1887, A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices Act of 2003 [Hatch, Levin, Biden];

S. 2363, A bill to review and extend the Boys and Girls Clubs of America Act of 2004 [Hatch, Leahy, DeWine, Kohl, Biden];

S. Con. Res. 5, A concurrent resolution expressing the support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854 Act of 2003 [Grassley, Durbin, Kohl, Feingold];

S.J. Res. 4, Proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States Act of 2003 [Hatch, Feinstein, Sessions, DeWine, Grassley, Graham, Cornyn, Chambliss, Specter];

S. 1700, Advancing Justice through DNA Technology Act of 2003 [Hatch, Leahy, Biden, Specter, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards];

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

### COMMITTEE ON THE JUDICIARY

Mr. CRAPO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, June 3, 2004 at 2:30 p.m. on “The Child Custody Protection Act: Protecting Parents’ Rights and Children’s Lives” in the Dirksen Senate Office Building room 226. The witness list is attached.

Panel I: The Honorable John Ensign, United States Senator [R-NV].

Panel II: Mr. John C. Harrison, Professor of Law, University of Virginia School of Law, Charlottesville, VA; Mr. Peter J. Rubin, Professor of Law, Georgetown University Law Center, Washington, DC; and Ms. Teresa Stanton Collett, Professor of Law, University of St. Thomas School of Law, Minneapolis, MN.

Panel III: Ms. Joyce Farley, Victim, Dushore, PA; Ms. Crystal Lane, Victim, Dushore, PA; and the Reverend Dr. Katherine Hancock Ragsdale, St. David’s Episcopal Church, Pepperell, MA.

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

### SUBCOMMITTEE ON COMPETITION, FOREIGN COMMERCE, AND INFRASTRUCTURE

Mr. CRAPO. Mr. President, I ask unanimous consent that the Subcommittee on Competition, Foreign Commerce, and Infrastructures be authorized to meet on Thursday, June 3, 2004, at 2:30 p.m. on Thread Act revisited.

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

## PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent for the permission of the use of the floor for Matthew Stump, a fellow in our office, during the consideration of this amendment.

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

Mr. KENNEDY. I thank the Chair.

## UNANIMOUS CONSENT AGREEMENT—S. 2400

Mr. CRAPO. Mr. President, I ask unanimous consent that all first-degree amendments to the Defense authorization bill which are in order from the previous list be filed at the desk no later than 5 p.m. on Monday, June 7.

Mr. REID. Reserving the right to object, those who are listening should understand that this means you must file your amendments by 5 o’clock for them to be considered on the Defense bill. They must be filed. Everyone should also note that there is no need to refile. If there is an amendment at the