

Daily Digest

HIGHLIGHTS

Senate passed National Defense Authorization bills.

Senate

Chamber Action

Routine Proceedings, pages S12773–S12871

Measures Introduced: Eight bills and five resolutions were introduced, as follows: S. 2008–2015, and S. Res. 312–316. **Page S12839**

Measures Reported: S. 705, to establish the Inter-agency Council on Meeting the Housing and Service Needs of Seniors, with an amendment in the nature of a substitute. (S. Rept. No. 109–178)

S. 1869, to reauthorize the Coastal Barrier Resources Act, with an amendment. (S. Rept. No. 109–179) **Page S12839**

Measure Passed:

National Defense Authorization: By a unanimous vote of 98 yeas (Vote No. 326), Senate passed S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, after taking action on the following amendments: **Pages S12777–S12810**

Adopted:

Warner (for Dole) Modified Amendment No. 1522, to provide training for defense acquisition workforce on the requirements of section 2533a of title 10, United States Code (commonly referred to as the Berry Amendment) and the regulations implementing that section. **Page S12779**

Warner (for Smith) Amendment No. 2525, to provide for the temporary inapplicability of the Berry Amendment to procurements of specialty metals that are used to produce force protection equipment needed to prevent combat fatalities in Iraq and Afghanistan. **Page S12779**

Warner (for Hutchison/Nelson (FL)) Amendment No. 2526, to express the sense of the Senate with regard to manned space flight. **Page S12779**

Warner (for Ensign) Amendment No. 2527, to require an annual report on the costs incurred by the Department of Defense in implementing or supporting resolutions of the United Nations Security Council. **Pages S12779–80**

Warner (for Snowe) Amendment No. 2528, to provide for the Administrator of the Small Business Administration's determination. **Page S12780**

Warner (for Snowe) Amendment No. 2529, to encourage small business contracting in overseas procurements. **Page S12780**

Warner (for Snowe) Amendment No. 2530, to ensure fair access to multiple-award contracts. **Page S12780**

Warner (for Snowe/Kerry) Amendment No. 2531, to address research and development efforts for purposes of small business research. **Pages S12780–81**

Warner (for Kerry) Amendment No. 2532, to clarify that the Small Business Administration has authority to provide disaster relief for small business concerns damaged by drought. **Page S12781**

Warner (for Kerry) Modified Amendment No. 1500, to require a strategy and report by the Secretary of Defense regarding the impact on small businesses of the requirement to use radio frequency identifier technology. **Page S12779**

Warner (for Bayh) Amendment No. 1518, to require lenders to include information regarding the mortgage and foreclosure rights of servicemembers under the Servicemembers Civil Relief Act. **Page S12779**

Warner (for Lautenberg) Amendment No. 2533, to require the Secretary of Defense to maintain a website listing information on Federal contractor misconduct, and to require a report on Federal sole source contracts related to Iraq reconstruction. **Page S12781**

Warner (for Collins) Amendment No. 1345, to provide for expedited action in bid protests conducted under OMB Circular A–76. **Pages S12778, S12792–96**

Warner (for Kennedy/Chambliss) Amendment No. 2534, to provide for improved assessment of public-private competition for work performed by civilian employees of the Department of Defense.

Pages S12781–82

Warner (for Thomas) Modified Amendment No. 1468, relating to contracting in the procurement of certain supplies and services.

Page S12778

Warner (for Allard) Amendment No. 1354, to authorize the participation of members of the Armed Forces in the Paralympic Games.

Page S12778

Warner (for Inhofe) Amendment No. 2535, to express the sense of Congress that the President should take immediate steps to establish a plan to address the military and economic development of China.

Pages S12782–83

Warner (for Leahy) Amendment No. 1902, to require a report on records maintained by the Department of Defense on civilian casualties in Afghanistan and Iraq.

Page S12779

Warner (for Santorum) Amendment No. 1898, to authorize the disposal and sale to qualified entities of up to 8,000,000 pounds of tungsten ores and concentrates from the National Defense Stockpile.

Page S12779

Warner/Levin Amendment No. 2536, to require a report on the development and utilization by the Department of Defense of robotics and unmanned ground vehicle systems.

Page S12783

Warner Amendment No. 2537, to modify and extend the pilot program on share-in-savings contracts.

Page S12783

Warner Amendment No. 2538, to provide for the supervision and management of the Defense Business Transformation Agency.

Page S12783

Warner (for Snowe) Amendment No. 1538, to provide a termination date for the Small Business Competitiveness Demonstration Program.

Page S12779

Warner (for Chambliss) Amendment No. 2539, to make available, with an offset, an additional \$45,000,000 for aircraft procurement for the Air Force for procurement of one C-37B aircraft.

Page S12784

Warner (for Isakson) Amendment No. 2540, to designate certain financial assistance for cadets at military junior colleges as Ike Shelton Early Commissioning Program Scholarships.

Page S12784

Warner Amendment No. 2541, to modify eligibility for the position of President of the Naval Postgraduate School.

Page S12784

Warner (for DeWine) Amendment No. 2542, to provide an additional death gratuity to the eligible survivors of servicemembers who died between October 7, 2001, and May 11, 2005, from noncombat-related causes while on active duty.

Page S12784

Warner (for Allen) Amendment No. 2543, to express the sense of the Senate with regard to aeronautics research and development.

Page S12784

Warner Amendment No. 2544, to modify the limited acquisition authority for the commander of the United States Joint Forces Command.

Page S12784

Warner Amendment No. 2545, to authorize certain emergency supplemental authorizations for the Department of Defense.

Pages S12784–85

Warner (for Dayton) Amendment No. 2546, to express the sense of the Senate on certain matters relating to the National Guard and Reserves.

Page S12785

Warner (for Byrd) Amendment No. 2547, to authorize the disposal of ferromanganese from the National Defense Stockpile.

Page S12785

Warner (for Reid) Amendment No. 2548, to improve the Armament Retooling and Manufacturing Support Initiative.

Page S12785

Warner Amendment No. 2549, to require the Secretary of Defense to consult with appropriate State and local entities on transportation, utility infrastructure, housing, schools, and family support activities related to the planned addition of personnel or facilities to existing military installations in connection with the closure or realignment of military installations as part of the 2005 round of defense base closure and realignment.

Page S12785

Warner (for Lott/Cornyn) Amendment No. 2550, to express the sense of the Senate on reversionary interests at Navy homeports.

Page S12785

Warner (for Levin) Amendment No. 2551, to require a report on claims related to the bombing of the LaBelle Discotheque in Berlin, Germany.

Pages S12785–86

Warner (for Kennedy/Feinstein) Amendment No. 2552, to provide that none of the funds authorized to be appropriated to the Department of Energy under this Act may be made available for the Robust Nuclear Earth Penetrator.

Page S12786

Warner (for Snowe/Collins) Amendment No. 2553, to require the identification of environmental conditions at military installations closed or realigned as part of the 2005 round of defense base closure and realignment.

Page S12786

Warner (for Snowe) Amendment No. 2554, to express the sense of Congress that the Secretary of Defense should not transfer any unit from a military installation that is closed or realigned until adequate facilities and infrastructure necessary to support such unit and quality of life requirements are ready at the receiving location.

Page S12786

Warner (for Hagel) Amendment No. 2555, to extend the period for which certain individuals in families that include members of the Reserve and National Guard do not have to reapply for supplemental security income benefits after a period of ineligibility for such benefits. **Page S12786**

Warner (for Nelson (FL)) Amendment No. 2556, to urge the prompt submission of interim reports on residual beryllium contamination at Department of Energy vendor facilities. **Page S12787**

Warner (for Graham) Amendment No. 2557, to require a report on an expanded partnership between the Department of Defense and the Department of Veterans Affairs for the provision of health care services. **Page S12787**

Warner (for Salazar) Amendment No. 2558, to authorize grants for local workforce investment boards for the provision of services to spouses of certain members of the Armed Forces. **Page S12787**

Warner Amendment No. 2559, to make available \$7,000,000 from Operation and Maintenance, Defense-Wide, for the reimbursement of expenses related to the Rest and Recuperation Leave Programs. **Pages S12787–88**

Warner (for Feingold) Amendment No. 2560, to require a report on the information given to individuals enlisting in the Armed Forces of the so-called "stop loss" authority of the Armed Forces. **Page S12788**

Warner (for Byrd) Amendment No. 2561, to require preparation of a development plan for a national coal-to-liquid fuels program. **Page S12788**

Warner (for Craig) Amendment No. 2562, to amend titles 10 and 38 of the United States Code, to modify the circumstances under which a person who has committed a capital offense is denied certain burial-related benefits and funeral honors. **Page S12788**

Warner (for Feingold) Amendment No. 2563, to require an annual report on the budgeting of the Department of Defense related to key military equipment. **Page S12789**

Warner (for Martinez/Warner) Amendment No. 2564, to improve the general authority of the Department of Defense to accept and administer gifts. **Page S12789**

Warner (for McCain) Amendment No. 2565, to express the sense of the Senate on the applicability of the Uniform Code of Military Justice to members of the reserve components of the Armed Forces on inactive-duty training overseas. **Page S12789**

Warner (for McConnell) Amendment No. 2566, to facilitate the commemoration of the success of the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom. **Pages S12789–90**

Warner (for McConnell) Amendment No. 2567, to authorize the construction of battalion dining facilities at Fort Knox, Kentucky. **Page S12790**

Warner/Levin Amendment No. 2568, to provide for a responsibility of the Joint Chiefs of Staff as military advisors to the Homeland Security Council. **Page S12790**

Warner (for Salazar) Amendment No. 2569, to express the sense of the Senate on the lives saved by the Common Remotely Operated Weapons Station (CROWS) platform. **Page S12790**

Warner Amendment No. 2570, to include packet based telephony service in the Department of Defense telecommunications benefit. **Page S12790**

Warner (for Collins/Snowe) Amendment No. 2571, to express the sense of the Senate to emphasize that financial assistance may be provided for the performance of activities by the Army National Guard without use of competitive procedures under standard exceptions to the use of such procedures. **Page S12790**

Warner (for Durbin) Amendment No. 2572, to clarify that military reservists, who are released from active duty and who are otherwise qualified, are eligible for veterans preference in Federal hiring. **Page S12790**

Warner (for DeWine) Amendment No. 2573, to require the Secretary of Defense to conduct a study and submit a report on the feasibility of conducting a military and civilian partnership health care project. **Page S12791**

Warner (for Snowe) Amendment No. 2574, to provide for a contracting incentive for small power plants on former military bases. **Page S12791**

Warner/McCain Amendment No. 2575, to extend through 2010 the requirement for an annual report on the maturity of technology at the initiation of major defense acquisition programs. **Page S12791**

Warner (for Byrd) Amendment No. 2576, to authorize \$4,500,000 for the Army National Guard for the construction of a readiness center at Camp Dawson, West Virginia, to authorize \$2,000,000 for the Air National Guard for C-5 aircraft shop upgrades at Eastern West Virginia Regional Airport, Shepherd Field, Martinsburg, West Virginia, and to provide an offset. **Page S12791**

Warner Amendment No. 2577, to require a report on the effects of windmill farms on military readiness. **Pages S12791–92**

Warner Amendment No. 2578, to require a report on advanced technologies for nuclear power reactors in the United States. **Page S12791**

Warner (for Bayh) Amendment No. 2579, to require quarterly reports on the war strategy in Iraq. **Page S12791**

By 79 yeas to 19 nays (Vote No. 323), Warner/Frist Amendment No. 2518, to clarify and recommend changes to the policy of the United States on Iraq and to require reports on certain matters relating to Iraq. **Pages S12796–98**

By 84 yeas to 14 nays (Vote No. 325), Graham Amendment No. 2524 (to Amendment No. 2515), in the nature of a substitute. **Pages S12796, S12800–03**

Graham Amendment No. 2515, relating to the review of the status of detainees of the United States Government, as amended. **Page S12804**

Rejected:

By 40 yeas to 58 nays (Vote No. 322), Levin Amendment No. 2519, to clarify and recommend changes to the policy of the United States on Iraq and to require reports on certain matters relating to Iraq. **Pages S12796–98**

By 44 yeas to 54 nays (Vote No. 324), Bingaman Amendment No. 2523 (to Amendment No. 2515), to provide for judicial review of detention of enemy combatants. **Pages S12798–S12800**

During consideration of this measure today, Senate also took the following action:

A unanimous-consent request was granted permitting Senator Inhofe to change his yea vote to a nay vote on Vote No. 307 changing the outcome of the vote to 92 yeas to 6 nays relative to Nelson (FL) Amdt. No. 2424, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan (adopted on Tuesday, November 8, 2005).

Department of Defense Authorization: Senate passed S. 1043, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, after striking all after the enacting clause and inserting in lieu thereof Division A of S. 1042, National Defense Authorization, as passed. **Page S12810**

Military Construction Authorization: Senate passed S. 1044, to authorize appropriations for fiscal year 2006 for military construction, after striking all after the enacting clause and inserting in lieu thereof Division B of S. 1042, National Defense Authorization, as passed. **Page S12810**

Department of Energy Defense Activities Authorization: Senate passed S. 1045, to authorize appropriations for fiscal year 2006 for defense activities of the Department of Energy, after striking all after the enacting clause and inserting in lieu thereof Division C of S. 1042, National Defense Authorization, as passed. **Pages S12810–11**

National Defense Authorization: Committee on Armed Services was discharged from further consideration of H.R. 1815, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and the bill was then passed, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1042, Senate companion measure, as amended and passed by the Senate. **Pages S12811–12**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Warner, McCain, Inhofe, Roberts, Sessions, Collins, Ensign, Talent, Chambliss, Graham, Dole, Cornyn, Thune, Levin, Kennedy, Byrd, Lieberman, Reed, Akaka, Nelson (FL), Nelson (NE), Dayton, Bayh, and Clinton. **Page S12811**

A unanimous-consent agreement was reached providing that if the Senate receives a message with respect to S. 1042, 1043, 1044 and 1045, as passed (listed above), the Senate disagree with the House on its amendment or amendments to the Senate-passed bill and agree to or request a conference, as appropriate, with the House on the disagreeing votes of the two Houses; and that the Chair be authorized to appoint conferees. **Page S12811**

Feed America Thursday: Senate agreed to S. Res. 314, designating Thursday, November 17, 2005, as “Feed America Thursday”. **Page S12869**

Lewis and Clark Bicentennial Anniversary: Senate agreed to S. Res. 315, to commemorate the bicentennial anniversary of the arrival of Lewis and Clark at the Pacific Ocean. **Pages S12869–70**

White House Fellows Program: Committee on the Judiciary was discharged from further consideration of H. Con. Res. 269, recognizing the 40th anniversary of the White House Fellows Program, and the resolution was then agreed to. **Page S12870**

Pike Exploration Bicentennial Anniversary: Committee on the Judiciary was discharged from further consideration of S. Res. 252, recognizing the Bicentennial Anniversary of Zebulon Montgomery Pike’s explorations in the interior west of the United States, and the resolution was then agreed to. **Pages S12870–71**

Heroes Earned Retirement Opportunities Act: Committee on Finance was discharged from further consideration of H.R. 1499, to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans

even if the compensation on which such contribution is based is excluded from gross income, and the bill was then passed, after agreeing to the following amendment proposed thereto: **Page S12871**

Santorum (for Frist) Amendment No. 2580, to make a technical correction. **Page S12871**

Commerce/Justice/Science Appropriations—Conference Report: Senate began consideration of the conference report to accompany H.R. 2862, making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006. **Pages S12812–24**

A unanimous-consent agreement was reached providing for further consideration of the conference report on Wednesday, November 16, 2005, with a vote to occur on adoption of the conference report.

Page S12812

Pension Security and Transparency Act Agreement: A unanimous-consent time agreement was reached providing that following morning business, on Wednesday, November 16, 2005, Senate begin consideration of S. 1783, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules; that the amendment in the nature of a substitute at the desk be agreed to as original text for the purpose of further amendment; that the only amendments in order be offered by Senator Isakson, or his designee, on airline pension plans, and an amendment by Senator Akaka relative to pilots, to be limited to 30 minutes of debate divided equally; that debate be limited to 2 hours divided equally, respectively; and that following disposition of the amendments, the bill, as amended, be read a third time and the Senate vote on final passage of the bill. **Page S12869**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, consistent with section 2103(a)(1) of the Trade Act of 2002, a report of the intention to enter into an agreement with the European Union, Japan, the Republic of Korea, and Taiwan on tariff treatment for multi-chip integrated circuits; which was referred to the Committee on Foreign Relations. (PM–31) **Page S12837**

Messages From the House: **Pages S12837–38**

Measures Read First Time: **Page S12871**

Executive Communications: **Pages S12838–39**

Additional Cosponsors: **Pages S12839–40**

Statements on Introduced Bills/Resolutions: **Pages S12840–54**

Additional Statements: **Pages S12836–37**

Amendments Submitted: **Pages S12854–68**

Notices of Hearings/Meetings: **Page S12868**

Authorities for Committees to Meet: **Pages S12868–69**

Privileges of the Floor: **Page S12869**

Record Votes: Five record votes were taken today. (Total—326) **Page S12798, S12800, S12803, S12810**

Adjournment: Senate convened at 9:45 a.m., and adjourned at 7:57 p.m., until 9:30 on Wednesday, November 16, 2005. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12871.)

Committee Meetings

(Committees not listed did not meet)

DEFENSE ACQUISITION

Committee on Armed Services: Subcommittee on Airland concluded a hearing to examine defense acquisition issues related to tactical aviation and Army programs, after receiving testimony from Katherine V. Schinasi, Managing Director, Acquisition and Sourcing Management, Government Accountability Office; Frank J. Anderson, Jr., President and Chief Executive Officer, Defense Acquisition University, Department of Defense; John J. Hamre, Center for Strategic and International Studies, Washington, D.C.; and Gene H. Porter, Institute for Defense Analyses, and Gary Christle, Center for Naval Analyses, both of Alexandria, Virginia.

NOMINATION

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the nominations of Ben S. Bernanke, of New Jersey, to be a Member and to be Chairman of the Board of Governors of the Federal Reserve System, after the nominee testified and answered questions in his own behalf.

ALTERNATIVE AUTOMOTIVE FUEL TECHNOLOGIES

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine public policy options for encouraging alternative automotive fuel technologies, focusing on gasoline consumption, vehicles powered by hydrogen fuel cells, and the Corporate Average Fuel Economy (CAFE), after receiving testimony from Jeffrey N. Shane, Under Secretary of Transportation for Policy; Steven E. Plotkin, Argonne National Laboratory, Department of Energy; and Fred Webber, Alliance of Automobile Manufacturers, David Friedman, Union of Concerned