Those are the words of retired MG Vernon Chong, U.S. Air Force.

I think it brings to mind the very important facts that face us today. We are at war. The war is real. The threats to our country and to our freedom are real. We must come together as a nation and recognize this threat, or we stand to lose the very principles, the very freedom, we each cherish so much.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is now closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1042, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1042) to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Graham amendment No. 2515, relating to the review of the status of detainees of the United States Government.

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.

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.

Bingaman amendment No. 2523 (to amendment No. 2515), to provide for judicial review of detention of enemy combatants.

Graham amendment No. 2524 (to amendment No. 2515), in the nature of a substitute.

The ACTING PRESIDENT pro tempore. There will be 30 minutes for debate equally divided between the bill's managers.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, first, I advise the Senate that last night for a period of 2 hours we had a very thorough debate on amendments of my distinguished colleague from Michigan and amendments that I put in with our distinguished leader, Mr. FRIST, and I believe cosponsors of Senator LEVIN, and we were joined by another colleague, Senator LIEBERMAN. Of course, Senators don't have access to that RECORD yet. But I assure you the merits of both cases were thoroughly stated.

As we have 30 minutes divided between the two of us this morning, my distinguished friend and I talked this morning, and he expressed an interest in having his amendment voted first. As a matter of comity and courtesy, we offer that to the Senator from Michigan. If that is his desire, I ask unanimous consent that be the order in which votes be taken.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. Mr. President, that would be acceptable, indeed, and I think preferable from every perspective. It is our understanding there is a suggestion to that effect from the Republican side. Whether it is from the Republican side or our side, I think it is wise. I accept the suggestion and do so with thanks to my good friend from Virginia.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, to inform the Senate, there are two amendments. Basically, as we will explain momentarily, the amendments are almost identical except in three areas. They are important areas, and we will go into that in some detail here in a moment.

The Levin amendment will go first, and ours will go second. There will be votes on both amendments.

We had the option to draw up an entirely different amendment, to go into many ramifications and many issues that we feel very strongly about on this side of the aisle. I take the responsibility. Or if anyone wishes to share it with me, they may well do so. I felt that it is so critical at this point in history with regard to the United States policy towards Iraq, together with our coalition forces, that the extent to which the Senate could speak with one voice had great merit. Therefore, essentially on this side we looked at the amendment of the Senator from Michigan and made, in my judgment, several minor modifications and one very significant modification. That is the standing.

As Senators vote, they will note the similarity between these amendments. But I felt the Senator from Michigan and I have a very strong feeling that the basic purpose of these amendments—whichever one is voted and survives—is to send the strongest possible message to the Iraqi people, the new government that will be formed subsequent to December 15, that our country, together with our coalition partners, has made enormous efforts, enormous sacrifice of life and limb, contributions by the people not only from our country but a number of other countries, to let them establish for themselves a form of democracy.

I believe we have made great progress with several transitional governments, a referendum vote, and now on the verge of what I perceive—and I think the Senator from Michigan shares the view—of an even stronger and larger vote to elect the permanent government.

The next 120 days, in my judgment, are critical—absolutely critical. Every word that comes from the Congress of the United States will be carefully scrutinized not only by the Iraqi people but by the nations throughout the Middle East and indeed our coalition partners. We have to be extremely careful in the formulation of those words and messages so they are not misconstrued.

I feel, with all due respect to the amendment originally drawn by my colleague from Michigan and others, that the last paragraph phrases a timetable of withdrawal requiring the President to file a report every 90 days giving specific dates and other factors.

That is the major change between these two amendments. The amendment of the Senator from Virginia strikes that last paragraph. I will go into further detail momentarily as to exactly why. We made the effort to have a bipartisan amendment. It is forward-looking.

Again, it is my intention to have the amendment on this side of the aisle not contain any language that could be misconstrued as a timetable which could establish and set up a fragile situation, particularly on the eve of another election on December 15.

I thank my distinguished colleague from Michigan. I commend him for much of the language he included in the amendment. I was privileged to draw on it. However, it sends that message on which we have absolute unity to the Iraqi people: We mean business. We have done our share. Now the challenge is up to you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. I yield myself 1 minute, and then I will yield to Senator KENNEDY.

I thank the Senator from Virginia for his words. There is no timetable for withdrawal in the last paragraph. I, like him, urge Members to read that paragraph. It simply says that the same type of schedule which we all agreed to in paragraph 6 should also be proposed with an estimated schedule relative to phased withdrawal if—if—the conditions which we all agree upon should be set forth in the report have been achieved.

That is what it does. That is an important message. It is not a withdrawal timetable in paragraph 7, but each Member will reach their own conclusion on that. It sends an important message, but it is not the one the Senator from Virginia has characterized.

I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator for his strong leadership.

I strongly support the Levin-Biden-Reid amendment on Iraq. Our amendment expresses the clear sense of the Senate that the U.S. military forces should not stay in Iraq indefinitely. Although many disagree with the President about the war, we all honor the service and sacrifice and heroism of our brave men and women in Iraq. Our Armed Forces are serving courageously in Iraq, under enormously difficult circumstances. The policy of our Government must be worthy of their sacrifice. Unfortunately, it is not. The American people know it.

An open-ended commitment in Iraq is not in America's interests, and it is not in Iraq's interests, either. Our amendment clearly states that the commitment of our military is not open-ended. The goal of our military should be to establish a legitimate functioning government, not to dictate to it. If we want the new Iraqi government to succeed, we need to give Iraq back to the Iraqi people. We need to let Iraq make its own political decisions without American interference. We need to train the Iraqi security forces, but we also need to reduce our military presence.

There is widespread recognition that our overwhelming military presence is inflaming the insurgency. After the election of a permanent Iraqi government, we should begin a substantial and continuing drawdown of U.S. forces. If additional forces are necessary during our drawdown or when our drawdown is completed, they should have the support of the Iraqi people and the United Nations and come from the international community. American troops can participate, but, unlike the current force, it should not consist mostly of Americans or be led by Americans.

All nations of the world have an interest in Iraq's stability and territorial integrity. Defenders of President Bush's failed stay-the-course policy pretend that alternatives such as this are a cut-and-run strategy. They are not.

Last February, General Abizaid said what makes it hard for the United States is that an overbearing presence or a larger than acceptable footprint in the region works against you. No one accused him of cut and run.

Last July, GEN George Casey, commanding general of the Multi-National Force in Iraq, talked about fairly substantial reduction of troops in 2006. No one has accused him of cut and run.

Just last month, America's Ambassador to Iraq said it is possible we can adjust our courses, downsizing them in the course of next year. No one has accused him of cut and run.

This month, Mel Laird, Secretary of Defense of the Nixon administration, wrote in the current issue of the Journal of Foreign Affairs that our presence is what feeds the insurgency, and our gradual withdrawal would feed the confidence and the ability of average Iraqis to stand up to the insurgency. No one has accused him of cut and run.

We need to have an open and honest debate about our future military presence in Iraq. An open-ended commitment of our military forces does not serve America's best interests and does not serve Iraqi's interests, either. Our current misguided policy has turned Iraq into a quagmire with no end in sight. It is urgent for the administration to adopt an honest and effective plan to end the violence and stabilize Iraq so that our soldiers can begin to come home with dignity and honor.

Last Friday, President Bush outlined a new bumper-sticker slogan for his misguided policy in Iraq: ''Strategy for Victory.'' But it is still the same failed strategy. He should have called it ''Strategy for Quagmire.''

Our men and women in uniform deserve better, much better from this President. So does the Nation. We can do better. I urge my colleagues to support the Levin-Biden-Reid amendment.

I yield back the remainder of my time.

AMENDMENTS NOS. 1345, 1354, 1468, AS MODIFIED; 1500, AS MODIFIED; 1518, 1522, AS MODIFIED; 1538, 1898, 1902, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, EN BLOC

Mr. WARNER. At this juncture, the distinguished Senator from Michigan and I would like to offer our managers' package to this bill. I send a managers' package of some 64 amendments to the desk. They have been cleared by both sides.

Mr. LEVIN. The amendments have been cleared on our side.

Mr. WARNER. I ask unanimous consent that the Senate consider the amendments en bloc, the amendments en bloc be agreed to, the motions to reconsider be laid upon the table, and any statements relating to any of these individual amendments be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1345

(Purpose: To provide for expedited action in bid protests conducted under OMB Circular A–76)

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

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

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

''(2) The term 'interested party'—

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

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

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

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

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

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

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

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

''3557. Expedited action in protests for public-private competitions.''.

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

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

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

(1) protests and civil actions that challenge final selections of sources of performance of an activity or function of a Federal agency that are made pursuant to studies initiated under Office of Management and Budget Circular A–76 on or after January 1, 2004; and

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

AMENDMENT NO. 1354

(Purpose: To authorize the participation of members of the Armed Forces in the Paralympic Games)

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

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

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

AMENDMENT NO. 1468, AS MODIFIED

(Purpose: Relating to contracting in the procurement of certain supplies and services)

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

SEC. 807. CONTRACTING FOR PROCUREMENT OF CERTAIN SUPPLIES AND SERVICES.

(a) MODIFICATION OF LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—Section 8014(a)(3) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 972) is amended—

(1) in subparagraph (A), by inserting '', payment that could be used in lieu of such a plan, health savings account, or medical savings account'' after ''health insurance plan''; and

(2) in subparagraph (B), by striking ''that requires'' and all that follows through the end and inserting ''that does not comply with the requirements of any Federal law governing the provision of health care benefits by Government contractors that would be applicable if the contractor performed the activity or function under the contract.''.

AMENDMENT NO. 1500, AS MODIFIED

(Purpose: 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)

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

SEC. 846. RADIO FREQUENCY IDENTIFIER TECHNOLOGY.

(a) SMALL BUSINESS STRATEGY.—As part of implementing its requirement that contractors use radio frequency identifier technology, the Secretary of Defense shall develop and implement a strategy to educate the small business community regarding radio frequency identifier technology requirements, compliance, standards, and opportunities.

(b) REPORTING.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Small Business and Entrepreneurship and the Committee on Armed Services of the Senate and the Committee on Small Business and the Committee on Armed Services of the House of Representatives detailing the status of the efforts by the Secretary of Defense to establish requirements for radio frequency identifier technology used in Department of Defense contracting, including—

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

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

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

AMENDMENT NO. 1518

(Purpose: To require lenders to include information regarding the mortgage and foreclosure rights of servicemembers under the Servicemembers Civil Relief Act)

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

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

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

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

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

(3) by adding at the end the following:

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

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

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

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

AMENDMENT NO. 1522, AS MODIFIED

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

SEC. 834. TRAINING FOR DEFENSE ACQUISITION WORKFORCE ON THE REQUIREMENTS OF THE BERRY AMENDMENT.

(a) TRAINING DURING FISCAL YEAR 2006.—The Secretary of Defense shall ensure that each member of the defense acquisition workforce who participates personally and substantially in the acquisition of textiles on a regular basis receives training during fiscal year 2006 on the requirements of section 2533a of title 10, United States Code (commonly referred to as the ''Berry Amendment''), and the regulations implementing that section.

(b) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the defense acquisition workforce development or implemented after the date of the enactment of this Act includes comprehensive information on the requirements described in subsection (a).

AMENDMENT NO. 1538

(Purpose: To provide a termination date for the Small Business Competitiveness Demonstration Program)

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

SEC. 846. TERMINATION OF PROGRAM.

Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after ''January 1, 1989'' the following: '', and shall terminate on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006''.

AMENDMENT NO. 1898

(Purpose: 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)

On page 379, after line 22, add the following:

SEC. 3302. AUTHORIZATION FOR DISPOSAL OF TUNGSTEN ORES AND CONCENTRATES.

(a) DISPOSAL AUTHORIZED.—The President may dispose of up to 8,000,000 pounds of contained tungsten in the form of tungsten ores and concentrates from the National Defense Stockpile in fiscal year 2006.

(b) CERTAIN SALES AUTHORIZED.—The tungsten ores and concentrates disposed under subsection (a) may be sold to entities with ore conversion or tungsten carbide manufacturing or processing capabilities in the United States.

AMENDMENT NO. 1902

(Purpose: To acquire a report on records maintained by the Department of Defense on civilian casualties in Afghanistan and Iraq)

At the appropriate place in the bill, insert:

REPORT

SEC. . Not later than 90 days after enactment of this Act, the Secretary of Defense shall submit a report to the Committee on Armed Services and the Committee on Appropriations with the following information—

(a) Whether records of civilian casualties in Afghanistan and Iraq are kept by United States Armed Forces, and if so, how and from what sources this information is collected, where it is kept, and who is responsible for maintaining such records.

(b) Whether such records contain (1) any information relating to the circumstances under which the casualties occurred and whether they were fatalities or injuries; (2) if any condolence payment, compensation, or assistance was provided to the victim or to the victim's family; and (3) any other information relating to the casualties.

AMENDMENT NO. 2525

(Purpose: 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)

On page 213, between lines 2 and 3, insert the following:

SEC. 807. TEMPORARY INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF SPECIALTY METALS USED TO PRODUCE FORCE PROTECTION EQUIPMENT.

(a) IN GENERAL.—Section 2533a(a) of title 10, United States Code, shall not apply to the procurement, during the 2-year period beginning on the date of the enactment of this Act, of specialty metals if such specialty metals are used to produce force protection equipment needed to prevent combat fatalities in Iraq or Afghanistan.

(b) TREATMENT OF PROCUREMENTS WITHIN PERIOD.—For the purposes of subsection (a), a procurement shall be treated as being made during the 2-year period described in that subsection to the extent that funds are obligated by the Department of Defense for that procurement during that period.

AMENDMENT NO. 2526

(Purpose: To express the sense of the Senate with regard to manned space flight)

At the appropriate place, insert the following:

SEC. ———. SENSE OF THE SENATE REGARDING MANNED SPACE FLIGHT.

(a) FINDINGS.—The Congress finds that—

(1) human spaceflight preeminence allows the United States to project leadership around the world and forms an important component of United States national security;

(2) continued development of human spaceflight in low-Earth orbit, on the Moon, and beyond adds to the overall national strategic posture;

(3) human spaceflight enables continued stewardship of the region between the earth and the Moon—an area that is critical and of growing national and international security relevance;

(4) human spaceflight provides unprecedented opportunities for the United States to lead peaceful and productive international relationships with the world community in support of United States security and geopolitical objectives;

(5) a growing number of nations are pursuing human spaceflight and space-related capabilities, including China and India;

(6) past investments in human spaceflight capabilities represent a national resource that can be built upon and leveraged for a broad range of purposes, including national and economic security; and

(7) the industrial base and capabilities represented by the Space Transportation System provide a critical dissimilar launch capability for the nation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to maintain preeminence in human spaceflight.

AMENDMENT NO. 2527

(Purpose: 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)

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

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

(a) REQUIREMENT FOR ANNUAL REPORT.—The Secretary of Defense and the Secretary of State shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives an annual report that sets forth all direct and indirect costs (including incremental costs) incurred by the Department of Defense during the preceding year in implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions undertaken by the Department of Defense. Each such report shall include an aggregate of all such Department of Defense costs by operation or mission, the percentage of the United States contribution by operation or mission, and the total cost of each operation or mission.

(b) COSTS FOR ASSISTING FOREIGN TROOPS.—The Secretary of Defense and the Secretary of State shall detail in each annual report required by this section all direct and indirect costs (including incremental costs) incurred in training, equipping, and otherwise assisting, preparing, resourcing, and transporting foreign troops for implementing or supporting any resolution adopted by the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, international peace enforcement operations, monitoring missions, observer missions, or humanitarian missions.

(c) CREDIT AND COMPENSATION.—The Secretary of Defense and the Secretary of State shall detail in each annual report required by this section all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

(d) FORM OF REPORT.—Each annual report required by this section shall be submitted in unclassified form, but may include a classified annex.

AMENDMENT NO. 2528

(Purpose: To provide for the Administrator of the Small Business Administration's determination)

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

SEC. 846. EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS SIZE STANDARDS.

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)), is amended by adding at the end the following:

''(4) EXCLUSION OF CERTAIN SECURITY EXPENSES FROM CONSIDERATION FOR PURPOSE OF SMALL BUSINESS SIZE STANDARDS.—

''(A) DETERMINATION REQUIRED.—Not later than 30 days after the date of enactment of this paragraph, the Administrator shall review the application of size standards established pursuant to paragraph (2) to small business concerns that are performing contracts in qualified areas and determine whether it would be fair and appropriate to exclude from consideration in the average annual gross receipts of such small business concerns any payments made to such small business concerns by Federal agencies to reimburse such small business concerns for the cost of subcontracts entered for the sole purpose of providing security services in a qualified area.

''(B) ACTION REQUIRED.—Not later than 60 days after the date of enactment of this paragraph, the Administrator shall either—

''(i) initiate an adjustment to the size standards, as described in subparagraph (A), if the Administrator determines that such an adjustment would be fair and appropriate; or

''(ii) provide a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives explaining in detail the basis for the determination by the Administrator that such an adjustment would not be fair and appropriate.

''(C) QUALIFIED AREAS.—In this paragraph, the term 'qualified area' means—

''(i) Iraq,

''(ii) Afghanistan, and

''(iii) any foreign country which included a combat zone, as that term is defined in section 112(c)(2) of the Internal Revenue Code of 1986, at the time of performance of the relevant Federal contract or subcontract.''.

AMENDMENT NO. 2529

(Purpose: To encourage small business contracting in overseas procurements)

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

SEC. 846. SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(3) SMALL BUSINESS CONTRACTING IN OVERSEAS PROCUREMENTS.—

''(A) STATEMENT OF CONGRESSIONAL POLICY.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection, regardless of the geographic area in which the contracts will be performed.

''(B) AUTHORIZATION TO USE CONTRACTING MECHANISMS.—Federal agencies are authorized to use any of the contracting mechanisms authorized in this Act for the purpose of complying with the Congressional policy set forth in subparagraph (A).

''(C) REPORT TO CONGRESSIONAL COMMITTEES.—Not later than 1 year after the date of enactment of this paragraph, the Administrator and the Chief Counsel for Advocacy shall submit to the Committee on Small Business and Entrepreneurship of the Senate and Committee on Small Business of the House of Representatives a report on the activities undertaken by Federal agencies, offices, and departments to carry out this paragraph.''.

AMENDMENT NO. 2530

(Purpose: To ensure fair access to multiple-award contracts)

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

SEC. 846. FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(3) FAIR ACCESS TO MULTIPLE-AWARD CONTRACTS.—

''(A) STATEMENT OF CONGRESSIONAL POLICY.—It is the policy of the Congress that Federal agencies shall endeavor to meet the contracting goals established under this subsection with regard to orders under multiple-award contracts, including Federal Supply Schedule contracts and multi-agency contracts.

''(B) AUTHORIZATION FOR LIMITED COMPETITION.—The head of a contracting agency may include in any contract entered under section 2304a(d)(1)(B) or 2304b(e) of title 10, United States Code, a clause setting aside a specific share of awards under such contract pursuant to a competition that is limited to small business concerns, if the head of the contracting agency determines that such limitation is necessary to comply with the congressional policy stated in subparagraph (A).

''(C) REPORT REQUIREMENT.—

''(i) IN GENERAL.—Not later than 180 days after the date of enactment of this paragraph, the Administrator shall submit a report on the level of participation of small business concerns in multiple-award contracts, including Federal Supply Schedule contracts, to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(ii) CONTENTS.—The report required by clause (i) shall include, for the most recent 2-year period for which data are available—

''(I) the total number of multiple-award contracts;

''(II) the total number of small business concerns that received multiple-award contracts;

''(III) the total number of orders under multiple-award contracts;

''(IV) the total value of orders under multiple-award contracts;

''(V) the number of orders received by small business concerns under multiple-award contracts;

''(VI) the value of orders received by small business concerns under multiple-award contracts;

''(VII) the number of small business concerns that received orders under multiple-award contracts; and

''(VIII) such other information as may be relevant.''.

AMENDMENT NO. 2531

(Purpose: To address research and development efforts for purposes of small business research)

On page 218, strike line 1 and all that follows through page 220, line 5, and insert the following:

SEC. 814. RESEARCH AND DEVELOPMENT EFFORTS FOR PURPOSES OF SMALL BUSINESS RESEARCH.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(x) RESEARCH AND DEVELOPMENT FOCUS.—

''(1) REVISION AND UPDATE OF CRITERIA AND PROCEDURES OF IDENTIFICATION.—In carrying out subsection (g), the Secretary of Defense shall, not less often than once every 4 years, revise and update the criteria and procedures utilized to identify areas of the research and development efforts of the Department of Defense which are suitable for the provision of funds under the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

''(2) UTILIZATION OF PLANS.—The criteria and procedures described in paragraph (1) shall be developed through the use of the most current versions of the following plans:

''(A) The joint warfighting science and technology plan required under section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note).

''(B) The Defense Technology Area Plan of the Department of Defense.

''(C) The Basic Research Plan of the Department of Defense.

''(3) INPUT IN IDENTIFICATION OF AREAS OF EFFORT.—The criteria and procedures described in paragraph (1) shall include input in the identification of areas of research and development efforts described in that paragraph from Department of Defense program managers (PMs) and program executive officers (PEOs).

''(y) COMMERCIALIZATION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary of Defense and the Secretary of each military department is authorized to create and administer

a 'Commercialization Pilot Program' to accelerate the transition of technologies, products, and services developed under the Small Business Innovation Research Program to Phase III, including the acquisition process.

''(2) IDENTIFICATION OF RESEARCH PROGRAMS FOR ACCELERATED TRANSITION TO ACQUISITION PROCESS.—In carrying out the Commercialization Pilot Program, the Secretary of Defense and the Secretary of each military department shall identify research programs of the Small Business Innovation Research Program that have the potential for rapid transitioning to Phase III and into the acquisition process.

''(3) LIMITATION.—No research program may be identified under paragraph (2), unless the Secretary of the military department concerned certifies in writing that the successful transition of the program to Phase III and into the acquisition process is expected to meet high priority military requirements of such military department.

''(4) FUNDING.—For payment of expenses incurred to administer the Commercialization Pilot Program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program. Such funds—

''(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(B) shall not be used to make Phase III awards.

''(5) EVALUATIVE REPORT.—At the end of each fiscal year, the Secretary of Defense and each Secretary of a military department shall submit to the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Armed Services and the Committee on Small Business of the House of Representatives an evaluative report regarding activities under the Commercialization Pilot Program. The report shall include—

''(A) an accounting of the funds used in the Commercialization Pilot Program;

''(B) a detailed description of the Commercialization Pilot Program, including incentives and activities undertaken by acquisition program managers, program executive officers, and by prime contractors; and

''(C) a detailed compilation of results achieved by the Commercialization Pilot Program, including the number of small business concerns assisted and a number of inventions commercialized.

''(6) SUNSET.—The pilot program under this subsection shall terminate at the end of fiscal year 2009.''.

(b) IMPLEMENTATION OF EXECUTIVE ORDER 13329.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking ''and'' at the end;

(B) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(8) to provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).'';

(2) in subsection (g)—

(A) in paragraph (9), by striking ''and'' at the end;

(B) in paragraph (10), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(11) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).''; and

(3) in subsection (o)—

(A) in paragraph (14), by striking ''and'' at the end;

(B) in paragraph (15), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(16) provide for and fully implement the tenets of Executive Order 13329 (Encouraging Innovation in Manufacturing).''.

(c) TESTING AND EVALUATION AUTHORITY.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (7), by striking ''and'' at the end;

(2) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(9) the term 'commercial applications' shall not be construed to exclude testing and evaluation of products, services, or technologies for use in technical or weapons systems, and further, awards for testing and evaluation of products, services, or technologies for use in technical or weapons systems may be made in either the second or the third phase of the Small Business Innovation Research Program and of the Small Business Technology Transfer Program, as defined in this subsection.''.

AMENDMENT NO. 2532

(Purpose: To clarify that the Small Business Administration has authority to provide disaster relief for small business concerns damaged by drought)

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

SEC. 846. DISASTER RELIEF FOR SMALL BUSINESS CONCERNS DAMAGED BY DROUGHT.

(a) DROUGHT DISASTER AUTHORITY.—

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

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

(B) by adding at the end the following:

''(2) For purposes of section 7(b)(2), the term 'disaster' includes—

''(A) drought; and

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

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

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

(B) in subparagraph (B), by striking ''the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961)'' and inserting the following: ''section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), in which case, assistance under this paragraph may be provided to farm-related and nonfarm-related small business concerns, subject to the other applicable requirements of this paragraph''.

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

(c) PROMPT RESPONSE TO DISASTER REQUESTS.—Section 7(b)(2)(D) of the Small Business Act (15 U.S.C. 636(b)(2)(D)) is amended by striking ''Upon receipt of such certification, the Administration may'' and inserting ''Not later than 30 days after the date of receipt of such certification by a Governor of a State, the Administration shall respond in writing to that Governor on its determination and the reasons therefore, and may''.

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

AMENDMENT NO. 2533

(Purpose: 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)

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

SEC. . ENSURING TRANSPARENCY IN FEDERAL CONTRACTING.

(a) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR PENALTIES AND VIOLATIONS.—

(1) The Secretary of Defense shall maintain a publicly-available website that provides information on instances in which major contractors have been fined, paid penalties or restitution, settled, pled guilty to, or had judgments entered against them in connection with allegations of improper conduct. The website shall be updated not less than once a year.

(2) For the purpose of this subsection, a major contractor is a contractor that receives at least $100,000,000 in Federal contracts in the most recent fiscal year for which data are available.

(b) REPORT ON FEDERAL SOLE SOURCE CONTRACTS RELATED TO IRAQ RECONSTRUCTION.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Administrator for Federal Procurement Policy shall submit to Congress a report on all sole source contracts in excess of $2,000,000 entered into by executive agencies in connection with Iraq reconstruction from January 1, 2003, through the date of the enactment of this Act.

(2) CONTENT.—The report submitted under paragraph (1) shall include the following information with respect to each such contract:

(A) The date the contract was awarded.

(B) The contract number.

(C) The name of the contractor.

(D) The amount awarded.

(E) A brief description of the work to be performed under the contract.

(3) EXECUTIVE AGENCY DEFINED.—In this subsection, the term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

AMENDMENT NO. 2534

(Purpose: To provide for improved assessment of public-private competition for work performed by civilian employees of the Department of Defense)

On page 213, between lines 2 and 3, insert the following:

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

(a) LIMITATION.—Section 2461(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5)(A) Notwithstanding subsection (d), a function of the Department of Defense performed by 10 or more civilian employees may not be converted, in whole or in part, to performance by a contractor unless the conversion is based on the results of a public-private competition process that—

''(i) formally compares the cost of civilian employee performance of that function with the costs of performance by a contractor;

''(ii) creates an agency tender, including a most efficient organization plan, in accordance with Office of Management and Budget Circular A–76, as implemented on May 29, 2003; and

''(iii) requires continued performance of the function by civilian employees unless the competitive sourcing official concerned determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of $10,000,000 or 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees.

''(B) Any function that is performed by civilian employees of the Department of Defense and is proposed to be reengineered, reorganized, modernized, upgraded, expanded, or changed in order to become more efficient shall not be considered a new requirement for the purpose of the competition requirements in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

''(C) A function performed by more than 10 Federal Government employees may not be separated into separate functions for the purposes of avoiding the competition requirement in subparagraph (A) or the requirements for public-private competition in Office of Management and Budget Circular A–76.

''(D) The Secretary of Defense may waive the requirement for a public-private competition under subparagraph (A) in specific instances if—

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

''(ii) the written waiver is accompanied by a detailed determination that national security interests preclude compliance with the requirement for a public-private competition; and

''(iii) a copy of the waiver is published in the Federal Register within 10 working days after the date on which the waiver is granted, although use of the waiver need not be delayed until its publication.''.

(b) INAPPLICABILITY TO BEST-VALUE SOURCE SELECTION PILOT PROGRAM.—Paragraph (5) of section 2461(b) of title 10, United States Code, as added by subsection (a), shall not apply with respect to the pilot program for best-value source selection for performance of information technology services authorized by section 336 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1444; 10 U.S.C. 2461 note).

(c) REPEAL OF SUPERSEDED LAW.—Section 327 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2461 note) is repealed.

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

(a) GUIDELINES.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe guidelines and procedures for ensuring that consideration is given to using Federal Government employees on a regular basis for work that is performed under Department of Defense contracts and could be performed by Federal Government employees.

(2) CRITERIA.—The guidelines and procedures prescribed under paragraph (1) shall provide for special consideration to be given to contracts that—

(A) have been performed by Federal Government employees at any time on or after October 1, 1980;

(B) are associated with the performance of inherently governmental functions;

(C) were not awarded on a competitive basis; or

(D) have been determined by a contracting officer to be poorly performed due to excessive costs or inferior quality.

(b) NEW REQUIREMENTS.—

(1) LIMITATION ON REQUIRING PUBLIC-PRIVATE COMPETITION.—No public-private competition may be required under Office of Management and Budget Circular A–76 or any other provision of law or regulation before the performance of a new requirement by Federal Government employees commences, the performance by Federal Government employees of work pursuant to subsection (a) commences, or the scope of an existing activity performed by Federal Government employees is expanded. Office of Management and Budget Circular A–76 shall be revised to ensure that the heads of all Federal agencies give fair consideration to the performance of new requirements by Federal Government employees.

(2) CONSIDERATION OF FEDERAL GOVERNMENT EMPLOYEES.—The Secretary of Defense shall, to the maximum extent practicable, ensure that Federal Government employees are fairly considered for the performance of new requirements, with special consideration given to new requirements that include functions that—

(A) are similar to functions that have been performed by Federal Government employees at any time on or after October 1, 1980; or

(B) are associated with the performance of inherently governmental functions.

(c) USE OF FLEXIBLE HIRING AUTHORITY.—The Secretary shall include the use of the flexible hiring authority available through the National Security Personnel System in order to facilitate performance by Federal Government employees of new requirements and work that is performed under Department of Defense contracts.

(d) INSPECTOR GENERAL REPORT.—Not later than 180 days after the enactment of this Act, the Inspector General of the Department of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the compliance of the Secretary of Defense with the requirements of this section.

(e) DEFINITIONS.—In this section:

(1) The term ''National Security Personnel System'' means the human resources management system established under the authority of section 9902 of title 5, United States Code.

(2) The term ''inherently governmental function'' has the meaning given that term in section 5 of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

AMENDMENT NO. 2535

(Purpose: 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)

At the appropriate place, insert the following:

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

(a) FINDINGS.—Congress finds the following:

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

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

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

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

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

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

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

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

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

(b) SENSE OF CONGRESS.—

(1) PLAN.—It is the sense of Congress that the President should take immediate steps to establish a coherent and comprehensive plan to address the emergence of China economically, diplomatically, and militarily, to promote mutually beneficial trade relations with China, and to encourage China's adherence to international norms in the areas of trade, international security, and human rights.

(2) CONTENTS.—The plan should contain the following:

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

(i) encouraging China to continue to upwardly revalue the Chinese yuan against the United States dollar;

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

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

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

(C) Actions to encourage United States diplomatic efforts to identify and pursue initiatives to revitalize United States engagement in East Asia. The initiatives should have a regional focus and complement bilateral efforts. The Asia-Pacific Economic Cooperation forum (APEC) offers a ready mechanism for pursuit of such initiatives.

(D) Actions by the administration to work with China to prevent proliferation of prohibited technologies and to secure China's agreement to renew efforts to curtail North Korea's commercial export of ballistic missiles.

(E) Actions by the Secretaries of State and Energy to consult with the International Energy Agency with the objective of upgrading the current loose experience-sharing arrangement whereby China engages in some limited exchanges with the organization, to a more structured arrangement.

(F) Actions by the administration to develop a coordinated, comprehensive national policy and strategy designed to maintain United States scientific and technological leadership and competitiveness, in light of the rise of China and the challenges of globalization.

(G) Actions to review laws and regulations governing the Committee on Foreign Investment in the United States (CFIUS), including exploring whether the definition of national security should include the potential impact on national economic security as a criterion to be reviewed, and whether the chairmanship of CFIUS should be transferred from the Secretary of the Treasury to a more appropriate executive branch agency.

(H) Actions by the President and the Secretaries of State and Defense to press strongly their European Union counterparts to maintain the EU arms embargo on China.

(I) Actions by the administration to discourage foreign defense contractors from selling sensitive military use technology or weapons systems to China. The administration should provide a comprehensive annual report to the appropriate committees of Congress on the nature and scope of foreign military sales to China, particularly sales by Russia and Israel.

AMENDMENT NO. 2536

(Purpose: To require a report on the development and utilization by the Department of Defense of robotics and unmanned ground vehicle systems)

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

SEC. ____. REPORT ON DEVELOPMENT AND USE OF ROBOTICS AND UNMANNED GROUND VEHICLE SYSTEMS.

(a) REPORT REQUIRED.—Not later than nine months after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the development and utilization of robotics and unmanned ground vehicle systems by the Department of Defense.

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

(1) A description of the utilization of robotics and unmanned ground vehicle systems in current military operations.

(2) A description of the manner in which the development of robotics and unmanned ground vehicle systems capabilities supports current major acquisition programs of the Department of Defense.

(3) A detailed description, including budget estimates, of all Department programs and activities on robotics and unmanned ground vehicle systems for fiscal years 2004 through 2012, including programs and activities relating to research, development, test and evaluation, procurement, and operation and maintenance.

(4) A description of the long-term research and development strategy of the Department on technology for the development and integration of new robotics and unmanned ground vehicle systems capabilities in support of Department missions.

(5) A description of any planned demonstration or experimentation activities of the Department that will support the development and deployment of robotics and unmanned ground vehicle systems by the Department.

(6) A statement of the Department organizations currently participating in the development of new robotics or unmanned ground vehicle systems capabilities, including the specific missions of each such organization in such efforts.

(7) A description of the activities of the Department to collaborate with industry, academia, and other Government and nongovernment organizations in the development of new capabilities in robotics and unmanned ground vehicle systems.

(8) An assessment of the short-term and long-term ability of the industrial base of the United States to support the production of robotics and unmanned ground vehicle systems to meet Department requirements.

(9) An assessment of the progress being made to achieve the goal established by section 220(a)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–38) that, by 2015, one-third of operational ground combat vehicles be unmanned.

(10) An assessment of international research, technology, and military capabilities in robotics and unmanned ground vehicle systems.

AMENDMENT NO. 2537

(Purpose: To modify and extend the pilot program on share-in-savings contracts)

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

SEC. ____. MODIFICATION AND EXTENSION OF PILOT PROGRAM ON SHARE-IN-SAVINGS CONTRACTS.

(a) INCLUSION OF INFORMATION TECHNOLOGY IMPROVEMENTS IN SHARE-IN-SAVINGS.—Paragraph (1) of subsection (a) of section 2332 of title 10, United States Code, is amended by adding at the end the following new sentence: ''Each such contract shall provide that the contractor shall incur the cost of implementing information technology improvements, including costs incurred in acquiring, installing, maintaining, and upgrading information technology equipment and training personnel in the use of such equipment, in exchange for a share of any savings directly resulting from the implementation of such improvements during the term of the contract.''.

(b) CONTRACT PERFORMANCE EVALUATION.—Such subsection is further amended—

(1) in paragraph (3), by striking '', to the maximum extent practicable,'';

(2) by striking paragraph (4);

(3) by redesignating paragraph (5) as paragraph (7); and

(4) inserting after paragraph (3) the following new paragraphs:

''(4) The head of an agency that enters into contracts pursuant to the authority of this section shall establish a panel of employees of such agency, independent of any program office or contracting office responsible for awarding and administering such contracts, for the purpose of verifying performance baselines and methodologies for calculating savings resulting from the implementation of information technology improvements under such contracts. Employees assigned to any such panel shall have experience and expertise appropriate for the duties of such panel.

''(5) Each contract awarded pursuant to the authority of this section shall include a provision containing a quantifiable baseline of current and projected costs, a methodology for calculating actual costs during the period of performance, and a savings share ratio governing the amount of payments the contractor is to receive under such contract that are certified by a panel established pursuant to paragraph (4) to be financially sound and based on the best available information.

''(6) Each contract awarded pursuant to the authority of this section shall—

''(A) provide that aggregate payments to the contractor may not exceed the amount the agency would have paid, in accordance with the baseline of current and projected costs incorporated in such contract, during the period covered by such contract; and

''(B) require an independent annual audit of actual costs in accordance with the methodology established under paragraph (5)(B), which shall serve as a basis for annual payments based on savings share ratio established in such contract.''.

(c) EXTENSION OF PILOT PROGRAM.—Such section is further amended—

(1) in subsection (b)(3)(B), by striking ''fiscal years 2003, 2004, and 2005'' and inserting ''fiscal years 2003 through 2007''; and

(2) in subsection (d), by striking ''September 30, 2005'' and inserting ''September 30, 2007''.

(d) REPORTS TO CONGRESS.—

(1) SECRETARY OF DEFENSE REPORTS.—Not later than March 31, 2006, and each year thereafter until the year after the termination of the pilot program under section 2332 of title 10, United States Code (as amended by subsection (a)), the Secretary of Defense shall submit to Congress a report containing a list of each contract entered into by each Federal agency under such section during the preceding year that contains terms providing for the contractor to implement information technology improvements in exchange for a share of the savings derived from the implementation of such improvements. The report shall set forth, for each contract listed—

(A) the information technology performance acquired by reason of the improvements concerned;

(B) the total amount of payments made to the contractor during the year covered by the report; and

(C) the total amount of savings or other measurable benefits realized by the Federal agency during such year as a result of such improvements.

(2) COMPTROLLER GENERAL REPORTS.—Not later than two months after the Secretary submits a report required by paragraph (1), the Comptroller General of the United States shall submit to Congress a report on the costs and benefits to the United States of the implementation of the technology improvements under the contracts covered by such report, together with such recommendations as the Comptroller General considers appropriate.

AMENDMENT NO. 2538

(Purpose: To provide for the supervision and management of the Defense Business Transformation Agency)

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

SEC. ____. SUPERVISION AND MANAGEMENT OF DEFENSE BUSINESS TRANSFORMATION AGENCY.

Section 192 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) SPECIAL RULE FOR DEFENSE BUSINESS TRANSFORMATION AGENCY.—(1) The Defense Business Transformation Agency shall be supervised by the vice chairman of the Defense Business System Management Committee.

''(2) Notwithstanding the results of any periodic review under subsection (c) with regard to the Defense Business Transformation Agency, the Secretary of Defense shall designate that the Agency be managed cooperatively by the Deputy Under Secretary of Defense for Business Transformation and the Deputy Under Secretary of Defense for Financial Management.''.

AMENDMENT NO. 2539

(Purpose: To make available, with an offset, an additional $45,000,000 for aircraft procurement for the Air Force for the procurement of one C–37B aircraft)

At the end of Subtitle D of title I, add the following:

SEC. 138. C–37B AIRCRAFT.

(a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount authorized to be appropriated by section 103(1) for aircraft procurement for the Air Force is hereby increased by $45,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 103(1) for aircraft for the Air Force, as increased by subsection (a), up to $45,000,000 may be used for the procurement of one C–37B aircraft.

(c) OFFSET.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby reduced by $25,000,000 and the amount authorized to be appropriated by section 301(5) for O&M, defensewide is hereby reduced by $20,000,000.

AMENDMENT NO. 2540

(Purpose: To designate certain financial assistance for cadets at military junior colleges as Ike Skelton Early Commissioning Program Scholarships)

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

SEC. ___. DESIGNATION OF IKE SKELTON EARLY COMMISSIONING PROGRAM SCHOLARSHIPS.

Section 2107a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) Financial assistance provided under this section to a cadet appointed at a military junior college is designated as, and shall be known as, an 'Ike Skelton Early Commissioning Program Scholarship'.''.

AMENDMENT NO. 2541

(Purpose: To modify eligibility for the position of President of the Naval Postgraduate School)

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

SEC. ___. MODIFICATION OF ELIGIBILITY FOR POSITION OF PRESIDENT OF THE NAVAL POSTGRADUATE SCHOOL.

Subsection (a) of section 7042 of title 10, United States Code, is amended to read as follows:

''(a)(1) The President of the Naval Postgraduate School shall be one of the following:

''(A) An officer of the Navy not below the grade of rear admiral (lower half) who is detailed to such position.

''(B) A civilian individual having qualifications appropriate to the position of President of the Naval Postgraduate School who is appointed to such position.

''(2) The President of the Naval Postgraduate School shall be detailed or assigned to such position under paragraph (1) by the Secretary of the Navy, upon the recommendation of the Chief of Naval Operations.

''(3) An individual assigned as President of the Naval Postgraduate School under paragraph (1)(B) shall serve in such position for a term of not more than five years.''.

AMENDMENT NO. 2542

(Purpose: 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)

On page 167, between lines 6 and 7, insert the following:

(c) ADDITIONAL DEATH GRATUITY.—In the case of an active duty member of the armed forces who died between October 7, 2001, and May 11, 2005, and was not eligible for an additional death gratuity under section 1478(e)(3)(A) of title 10, United States Code (as added by section 1013(b) of Public Law 109–13), the eligible survivors of such decedent shall receive, in addition to the death gratuity available to such survivors under section 1478(a) of such title, an additional death gratuity of $150,000 under the same conditions as provided under section 1478(e)(4) of such title.

AMENDMENT NO. 2543

(Purpose: To express the sense of the Senate with regard to aeronautics research and development)

At the end of subtitle G of title X, insert:

SEC. ___. SENSE OF SENATE ON AERONAUTICS RESEARCH AND DEVELOPMENT.

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

(1) The advances made possible by Government-funded research in emerging aeronautics technologies have enabled long-standing military air superiority for the United States in recent decades.

(2) Military aircraft incorporate advanced technologies developed at research centers of the National Aeronautics and Space Administration.

(3) The vehicle systems program of the National Aeronautics and Space Administration has provided major technology advances that have been used in every major civil and military aircraft developed over the last 50 years.

(4) It is important for the cooperative research efforts of the National Aeronautics and Space Administration and the Department of Defense that funding of research on military aviation technologies be robust.

(5) Recent National Aeronautics and Space Administration and independent studies have demonstrated the competitiveness, scientific merit, and necessity of existing aeronautics programs.

(6) The economic and military security of the United States is enhanced by the continued development of improved aeronautics technologies.

(7) A national effort is needed to ensure that the National Aeronautics and Space Administration can help meet future aviation needs.

(b) SENSE OF SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to maintain a strong aeronautics research and development program within the Department of Defense and the National Aeronautics and Space Administration.

AMENDMENT NO. 2544

(Purpose: To modify the limited acquisition authority for the commander of the United States Joint Forces Command)

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

SEC. ___. MODIFICATION OF LIMITED ACQUISITION AUTHORITY FOR THE COMMANDER OF THE UNITED STATES JOINT FORCES COMMAND.

(a) SCOPE OF AUTHORITY.—Subsection (a) of section 167a of title 10, United States Code, is amended by striking and ''and acquire'' and inserting '', acquire, and sustain''.

(b) INAPPLICABILITY TO CERTAIN SYSTEMS FUNDED WITH OPERATION AND MAINTENANCE FUNDS.—Subsection (d) of such section is amended—

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

(2) in paragraph (2), by striking the period at the end and inserting ''; or''; and

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

''(3) the total expenditure for operation and maintenance is estimated to be $2,000,000 or more.''.

(c) EXTENSION OF AUTHORITY.—Subsection (f) of such section is amended—

(1) by striking ''through 2006'' and inserting ''through 2009''; and

(2) by striking ''September 30, 2006'' and inserting ''September 30, 2009''.

AMENDMENT NO. 2545

(Purpose: To authorize certain emergency supplemental authorizations for the Department of Defense)

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

SEC. ___. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE.

(a) FIRST EMERGENCY SUPPLEMENTAL TO MEET NEEDS ARISING FROM HURRICANE KATRINA.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, pursuant to the Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–61).

(b) SECOND EMERGENCY SUPPLEMENTAL TO MEET NEEDS ARISING FROM HURRICANE KATRINA.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2005 in the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, pursuant to the Second Emergency Supplemental Appropriations Act to Meet Immediate Needs Arising From the Consequences of Hurricane Katrina, 2005 (Public Law 109–62).

(c) SUPPLEMENTAL APPROPRIATIONS FOR AVIAN FLU PREPAREDNESS.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in this Act are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a supplemental appropriation, or by a transfer of funds, arising from the proposal of the Administration relating to avian flu preparedness that was submitted to Congress on November 1, 2006.

(d) AMOUNTS REALLOCATED FOR HURRICANE-RELATED DISASTER RELIEF.—Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 in this Act are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorized amount are increased by a reallocation of funds from the Disaster Relief Fund (DRF) of the Federal Emergency Management Agency arising from the proposal of the Director of the Office of Management and Budget on the reallocation of amounts for hurricane-related disaster relief that was submitted to the President on October 28, 2005, and transmitted to the Speaker of the House of Representatives on that date.

(e) AMOUNTS FOR HUMANITARIAN ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—There is authorized to be appropriated as emergency supplemental appropriations for the Department of Defense for fiscal year 2006, $40,000,000 for the use of the Department of Defense for overseas, humanitarian, disaster, and civic aid for the purpose of providing humanitarian assistance to the victims of the earthquake that devastated northern Pakistan on October 8, 2005.

(f) REPORTS ON USE OF CERTAIN FUNDS.—

(1) REPORT ON USE OF EMERGENCY SUPPLEMENTAL FUNDS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the obligation and expenditure, as of that date, of any funds appropriated to the Department of Defense for fiscal year 2005 pursuant to the Acts referred to in subsections (a) and (b) as authorized by such subsections. The report shall set forth—

(A) the amounts so obligated and expended; and

(B) the purposes for which such amounts were so obligated and expended.

(2) REPORT ON EXPENDITURE OF REIMBURSABLE FUNDS.—The Secretary shall include in the report required by paragraph (1) a statement of any expenditure by the Department of Defense of funds that were reimbursable by the Federal Emergency Management Agency, or any other department or agency of the Federal Government, from funds appropriated in an Act referred to in subsection (a) or (b) to such department or agency.

(3) REPORT ON USE OF CERTAIN OTHER FUNDS.—Not later than May 15, 2006, and quarterly thereafter through November 15, 2006, the Secretary shall submit to the congressional defense committees a report on the obligation and expenditure, during the previous fiscal year quarter, of any funds appropriated to the Department of Defense as specified in subsection (c) and any funds reallocated to the Department as specified in subsection (d). Each report shall, for the fiscal year quarter covered by such report, set forth—

(A) the amounts so obligated and expended; and

(B) the purposes for which such amounts were so obligated and expended.

(g) REPORT ON ASSISTANCE FOR EARTHQUAKE VICTIMS IN PAKISTAN.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing Department of Defense efforts to provide relief to victims of the earthquake that devastated northern Pakistan on October 8, 2005, and assessing the need for further reconstruction and relief assistance.

AMENDMENT NO. 2546

(Purpose: To express the sense of the Senate on certain matters relating to the National Guard and Reserves)

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

SEC. ___. SENSE OF SENATE ON CERTAIN MATTERS RELATING TO THE NATIONAL GUARD AND RESERVES.

It is the sense of the Senate—

(1) to recognize the important and integral role played by members of the Active Guard and Reserve and military technicians (dual status) in the efforts of the Armed Forces; and

(2) to urge the Secretary of Defense to promptly resolve issues relating to appropriate authority for payment of reenlistment bonuses stemming from reenlistment contracts entered into between January 14, 2005, and April 17, 2005, involving members of the Army National Guard and military technicians (dual status).

AMENDMENT NO. 2547

(Purpose: To authorize the disposal of ferromanganese from the National Defense Stockpile)

At the end of title XXXIII of division C, add the following:

SEC. 3302. DISPOSAL OF FERROMANGANESE.

(a) DISPOSAL AUTHORIZED.—The Secretary of Defense may dispose of up to 75,000 tons of ferromanganese from the National Defense Stockpile during fiscal year 2006.

(b) CONTINGENT AUTHORITY FOR ADDITIONAL DISPOSAL.—If the Secretary of Defense completes the disposal of the total quantity of ferromanganese authorized for disposal by subsection (a) before September 30, 2006, the Secretary of Defense may dispose of up to an additional 25,000 tons of ferromanganese from the National Defense Stockpile before that date.

(c) CERTIFICATION.—The Secretary of Defense may dispose of ferromanganese under the authority of subsection (b) only if the Secretary submits written certification to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, not later than 30 days before the commencement of disposal, that—

(1) the disposal of the additional ferromanganese from the National Defense Stockpile is in the interest of national defense;

(2) the disposal of the additional ferromanganese will not cause undue disruption to the usual markets of producers and processors of ferromanganese in the United States; and

(3) the disposal of the additional ferromanganese is consistent with the requirements and purpose of the National Defense Stockpile.

(d) DELEGATION OF RESPONSIBILITY.—The Secretary of Defense may delegate the responsibility of the Secretary under subsection (c) to an appropriate official within the Department of Defense.

(e) NATIONAL DEFENSE STOCKPILE DEFINED.—In this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

AMENDMENT NO. 2548

(Purpose: To improve the Armament Retooling and Manufacturing Support Initiative)

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

SEC. ___. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE MATTERS.

(a) INCLUSION OF ADDITIONAL FACILITIES WITHIN INITIATIVE.—Section 4551(2) of title 10, United States Code, is amended by inserting '', or a Government-owned, contractor-operated depot for the storage, maintenance, renovation, or demilitarization of ammunition,'' after ''manufacturing facility''.

(b) ADDITIONAL CONSIDERATION FOR USE OF FACILITIES.—Section 4554(b)(2) of such title is amended by adding at the end the following new subparagraph:

''(D) The demilitarization and storage of conventional ammunition.''.

AMENDMENT NO. 2549

(Purpose: 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)

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

SEC. 2887. REQUIRED CONSULTATION WITH STATE AND LOCAL ENTITIES ON TRANSPORTATION, HOUSING, AND OTHER INFRASTRUCTURE ISSUES RELATED TO THE ADDITION OF PERSONNEL OR FACILITIES AT MILITARY INSTALLATIONS AS PART OF 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 2905(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(3) In carrying out any closure or realignment under this part that would add personnel or facilities to an existing military installation, the Secretary shall consult with appropriate State and local entities on matters affecting the local community related to transportation, utility infrastructure, housing, schools, and family support activities during the development of plans to implement such closure or realignment.''.

AMENDMENT NO. 2550

(Purpose: To express the sense of the Senate on reversionary interests at Navy homeports)

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

SEC. 2887. SENSE OF THE SENATE ON REVERSIONARY INTERESTS AT NAVY HOMEPORTS.

It is the sense of the Senate that, in implementing the decisions made with respect to Navy homeports as part of the 2005 round of defense base closure and realignment, the Secretary of the Navy should, consistent with the national interest and Federal policy supporting cost-free conveyances of Federal surplus property suitable for use as port facilities, release or otherwise relinquish any entitlement to receive, pursuant to any agreement providing for such payment, compensation from any holder of a reversionary interest in real property used by the United States for improvements made to any military installation that is closed or realigned as part of such base closure round.

AMENDMENT NO. 2551

(Purpose: To require a report on claims related to the bombing of the LaBelle Discotheque in Berlin, Germany)

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

SEC. 1073. REPORT ON CLAIMS RELATED TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

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

(1) the Government of Libya should be commended for the steps the Government has taken to renounce terrorism and to eliminate Libya's weapons of mass destruction and related programs; and

(2) an important priority for improving relations between the United States and Libya should be a good faith effort on the part of the Government of Libya to resolve the claims of members of the Armed Forces of the United States and other United States citizens who were injured in the bombing of the LaBelle Discotheque in Berlin, Germany that occurred in April 1986, and of family members of members of the Armed Forces of the United States who were killed in that bombing.

(b) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the status of negotiations between the Government of Libya and United States claimants in connection with the bombing of the LaBelle Discotheque in Berlin, Germany

that occurred in April 1986, regarding resolution of their claims. The report shall also include information on efforts by the Government of the United States to urge the Government of Libya to make a good faith effort to resolve such claims.

(2) UPDATE.—Not later than one year after enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees an update of the report required by paragraph (1).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives.

AMENDMENT NO. 2552

(Purpose: 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)

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

SEC. 3114. PROHIBITION ON USE OF FUNDS FOR ROBUST NUCLEAR EARTH PENETRATOR.

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.

AMENDMENT NO. 2553

(Purpose: 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)

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

SEC. 2887. IDENTIFICATION OF ENVIRONMENTAL CONDITIONS AT MILITARY INSTALLATIONS CLOSED OR REALIGNED UNDER 2005 ROUND OF DEFENSE BASE CLOSURE AND REALIGNMENT.

(a) IDENTIFICATION OF ENVIRONMENTAL CONDITION OF PROPERTY.—

(1) IN GENERAL.—Not later than May 31, 2007, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, other appropriate Federal agencies, and State, tribal, and local government officials, shall complete an identification of the environmental condition of the real property (including groundwater) of each military installation approved for closure or realignment under the 2005 round of defense base closure and realignment in accordance with section 120(h)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)).

(2) RESULTS.—

(A) IN GENERAL.—As soon as practicable after the date on which an identification under paragraph (1) is completed, the Secretary of Defense shall—

(i) provide a notice of the results of the identification to—

(I) the Administrator of the Environmental Protection Agency;

(II) the head of any other appropriate Federal agency, as determined by the Secretary; and

(III) any affected State or tribal government official, as determined by the Secretary; and

(ii) publish in the Federal Register the results of the identification.

(B) REQUEST FOR CONCURRENCE.—The Secretary shall include in a notice provided under subclause (I) or (III) of subparagraph (A)(i) a request for concurrence with the identification in such form as the Secretary determines to be appropriate.

(3) CONCURRENCE.—

(A) IN GENERAL.—An identification under paragraph (1) shall not be considered to be complete until—

(i) for a property that is a site, or part of a site, on the National Priorities List developed by the President in accordance with section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)), the date on which the Administrator of the Environmental Protection Agency and each appropriate State and tribal government official concur with the identification; and

(ii) for any property that is not a site described in clause (i), the date on which each appropriate State and tribal government official concurs with the identification.

(B) FAILURE TO ACT.—The Administrator, or a State or tribal government official, shall be considered to concur with an identification under paragraph (1) if the Administrator or government official fails to make a determination with respect to a request for concurrence with such identification under paragraph (2)(B) by not later than 90 days after the date on which such request for concurrence is received.

(b) EXPEDITING ENVIRONMENTAL RESPONSE.—The Secretary of Defense shall coordinate with appropriate Federal, State, tribal, and local governmental officials, as determined by the Secretary, to expedite environmental response at military installations approved for closure or realignment under the 2005 round of defense base closure and realignment.

(c) REPORT.—The Secretary shall submit to Congress, as part of each annual report under section 2706 of title 10, United States Code, a report describing any progress made in carrying out this section.

(d) EFFECT OF SECTION.—Nothing in this section affects any obligation of the Secretary with respect to any other Federal or State requirement relating to—

(1) the environment; or

(2) the transfer of property.

AMENDMENT NO. 2554

(Purpose: 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)

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

SEC. 2887. SENSE OF CONGRESS ON LIMITATION ON TRANSFER OF UNITS FROM CLOSED AND REALIGNED MILITARY INSTALLATIONS PENDING READINESS OF RECEIVING LOCATIONS.

(a) FINDINGS.—

(1) The Commission on Review of Overseas Military Facility Structure of the United States, also known as the Overseas Basing Commission, transmitted a report to the President and Congress on August 15, 2005, that discussed considerations for the return to the United States of up to 70,000 service personnel and 100,000 family members and civilian employees from overseas garrisons.

(2) The 2005 Base Closure and Realignment Commission released a report on September 8, 2005, to the President that assessed the closure and realignment decisions of the Department of Defense, which would affect 26,830 military personnel positions.

(3) Both of these reports expressed concerns that massive movements of units, service personnel, and families may disrupt unit operational effectiveness and the quality of life for family members if not carried out with adequate planning and resources.

(4) The 2005 Base Closure and Realignment Commission, in its decision to close Fort Monmouth, included a provision requiring the Secretary of Defense to provide a report that ''movement of organizations, functions, or activities from Fort Monmouth to Aberdeen Proving Ground will be accomplished without disruption of their support to the Global War on Terrorism or other critical contingency operations, and that safeguards exist to ensure that necessary redundant capabilities are put in place to mitigate potential degradation of such support, and to ensure maximum retention of critical workforce''.

(5) The Overseas Basing Commission found that ''base closings at home along with the return of yet additional masses of service members and dependents from overseas will have major impact on local communities and the quality of life that can be expected. Movements abroad from established bases into new locations, or into locations already in use that will be put under pressure by increases in populations, will impact on living conditions.''

(6) The Overseas Basing Commission notes that the four most critical elements of quality of life as they relate to restructuring of the global defense posture are housing, military child education, healthcare, and service member and family services.

(7) The Overseas Basing Commission recommended that ''planners must take a 'last day-first day' approach to the movement of units and families from one location to another'', meaning that they must maintain the support infrastructure for personnel until the last day they are in place and must have the support infrastructure in place on the first day troops arrive in the new location.

(8) The Overseas Basing Commission further recommended that it is ''imperative that the 'last day-first day' approach should be taken whether the movement is abroad from one locale to another, from overseas to the United States, or from one base in CONUS [the continental United States] to yet another as a result of base realignment and closures''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should not transfer any unit from a military installation closed or realigned due to the relocation of forces under the Integrated Global Presence and Basing Strategy or the 2005 round of defense base closure and realignment until adequate facilities and infrastructure necessary to support the unit's mission and quality of life requirements for military families are ready for use at the receiving location.

AMENDMENT NO. 2555

(Purpose: 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)

In title VI, subtitle E, at the end, insert the following:

SEC. ____. EXTENSION OF ELIGIBILITY FOR SSI FOR CERTAIN INDIVIDUALS IN FAMILIES THAT INCLUDE MEMBERS OF THE RESERVE AND NATIONAL GUARD.

Section 1631(j)(1)(B) of the Social Security Act (42 U.S.C. 1383(j)(1)(B)) is amended by inserting ''(24 consecutive months, in the case of such an individual whose ineligibility for benefits under or pursuant to both such sections is a result of being called to active duty pursuant to section 12301(d) or 12302 of title 10, United States Code, or section 502(f) of title 32, United States Code)'' after ''for a period of 12 consecutive months''.

AMENDMENT NO. 2556

(Purpose: To urge the prompt submission of interim reports on residual beryllium contamination at Department of Energy vendor facilities)

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

SEC. 3114. SENSE OF THE SENATE REGARDING INTERIM REPORTS ON RESIDUAL BERYLLIUM CONTAMINATION AT DEPARTMENT OF ENERGY VENDOR FACILITIES.

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

(1) Section 3169 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 42 U.S.C. 7384 note) requires the National Institute for Occupational Safety and Health to submit, not later than December 31, 2006, an update to the October 2003 report of the Institute on residual beryllium contamination at Department of Energy vendor facilities.

(2) The American Beryllium Company, Tallevast, Florida, machined beryllium for the Department of Energy's Oak Ridge Y-12, Tennessee, and Rocky Flats, Colorado, facilities from 1967 until 1992.

(3) The National Institute for Occupational Safety and Health has completed its evaluation of residual beryllium contamination at the American Beryllium Company.

(4) Workers at the American Beryllium Company and other affected companies should be made aware fo the site-specific results of the study as soon as such results are available.

(b) SENSE OF THE SENATE.—It is the sense of the Senate to urge the Director of the National Institute for Occupational Safety and Health—

(1) to provide to Congress interim reports of residual beryllium contamination at facilities not later than 14 days after completing the internal review of such reports; and

(2) to publish in the Federal Register summaries of the findings of such reports, including the dates of any significant residual beryllium contamination, at such time as the reports are provided to Congress under paragraph (1).

AMENDMENT NO. 2557

(Purpose: 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)

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

SEC. ____. COMPTROLLER GENERAL REPORT ON EXPANDED PARTNERSHIP BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF VETERANS AFFAIRS ON THE PROVISION OF HEALTH CARE SERVICES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the feasibility of an expanded partnership between the Department of Defense and the Department of Veterans Affairs for the provision of health care services.

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

(1) An overview of the current health care systems of the Department of Defense and the Department of Veterans Affairs, including—

(A) the total number of eligible beneficiaries in each system as of September 30, 2005;

(B) the total number of current consumers of health care services in each system as of that date;

(C) the total cost of each system in the most recent fiscal year for which complete cost data for both systems exists;

(D) the annual workload or production of health care by beneficiary category in each system in the most recent fiscal year for which complete data on workload or production of health care for both systems exists;

(E) the total cost of health care by beneficiary category in each system in the most recent fiscal year for which complete cost data for both systems exists;

(F) the total staffing of medical and administrative personnel in each system as of September 30, 2005;

(G) the number and location of facilities, including both hospitals and clinics, operated by each system as of that date; and

(H) the size, capacity, and production of graduate medical education programs in each system as of that date.

(2) A comparative analysis of the characteristics of each health care system, including a determination and comparative analysis of—

(A) the mission of such systems;

(B) the demographic characteristics of the populations served by such systems;

(C) the categories of eligibility for health care services in such systems;

(D) the nature of benefits available by beneficiary category in such systems;

(E) access to and quality of health care services in such systems;

(F) the out-of-pocket expenses for health care by beneficiary category in such systems;

(G) the structure and methods of financing the care for all categories of beneficiaries in such systems;

(H) the management and acquisition of medical equipment and supplies in such systems, including pharmaceuticals and prosthetic and other medical assistive devices;

(I) the mix of health care services available in such systems;

(J) the current inpatient and outpatient capacity of such systems; and

(K) the human resource systems for medical personnel in such systems, including the rates of compensation for civilian employees.

(3) A summary of current sharing efforts between the health care systems of the Department of Defense and the Department of Veterans Affairs.

(4) An assessment of the advantages and disadvantages for military retirees and their dependents participating in the health care system of the Department of Veterans Affairs of an expanded partnership betwen the health care systems of the Department of Defense and the Department of Veterans Affairs, with a separate assessment to be made for—

(A) military retirees and dependents under the age of 65; and

(B) military retirees and dependents over the age of 65.

(5) Projections for the future growth of health care costs for retirees and veterans in the health care systems of the Department of Defense and the Department of Veterans Affairs, including recommendations on mechanisms to ensure more effective and higher quality services in the future for military retirees and veterans now served by both systems.

(6) Options for means of achievinng a more effective partnership between the health care systems of the Department of Defense and the Department of Veterans Affairs, including options for the expansion of, and enhancement of access of military retirees and their dependents to, the health care system of the Department of Veterans Affairs.

(c) SOLICITATION OF VIEW.—In preparing the report required by subsection (a), the Comptroller General shall seek the views of representatives of military family organizations, military retiree organizations, and organizations representing veterans and their families.

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

(1) the Committees on Armed Services and Veterans Affairs' of the Senate; and

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

AMENDMENT NO. 2558

(Purpose: To authorize grants for local workforce investment boards for the provision of services to spouses of certain members of the Armed Forces)

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

SEC. ____. GRANTS FOR LOCAL WORKFORCE INVESTMENT BOARDS FOR SERVICES FOR CERTAIN SPOUSES OF MEMBERS OF THE ARMED FORCES.

(a) GRANTS AUTHORIZED.—The Secretary of Defense may, from any funds authorized to be appropriated to the Department of Defense, and in consultation with the Department of Labor, make grants to local workforce investments boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832), or consortia of such boards, in order to permit such boards or consortia of boards to provide services to spouses of members of the Armed Forces described in subsection (b).

(b) COVERED SPOUSES.—Spouses of members of the Armed Forces described in this subsection are spouses of members of the Armed Forces on active duty, which spouses—

(1) have experienced a loss of employment as a direct result of relocation of such members to accommodate a permanent change in duty station; or

(2) are in a family whose income is significantly reduced due to—

(A) the deployment of such members;

(B) the call or order of such members to active duty in support of a contingency operation pursuant to a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code;

(C) a permanent change in duty station of such members; or

(D) the incurral by such members of a service-connected disability (as that term is defined in section 101(16) of title 38, United States Code).

(c) REGULATIONS.—Any grants made under this section shall be made pursuant to regulations prescribed by the Secretary in consultation with the Department of Labor. Such regulation shall set forth—

(1) criteria for eligibility of workforce investment boards for grants under this section;

(2) requirements for applications for such grants; and

(3) the nature of services to be provided using such grants.

AMENDMENT NO. 2559

(Purpose: 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)

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

SEC. ____. REST AND RECUPERATION LEAVE PROGRAMS.

(a) AVAILABILITY OF FUNDS FOR REIMBURSEMENT OF EXPENSES.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $7,000,000 may be available for the

reimbursement of expenses of the Armed Forces Recreation Centers related to the utilization of the facilities of the Armed Forces Recreation Centers under official Rest and Recuperation Leave Programs authorized by the military departments or combatant commanders.

(b) UTILIZATION OF REIMBURSEMENTS.—Amounts received by the Armed Forces Recreation Centers under subsection (a) as reimbursement for expenses may be utilized by such Centers for facility maintenance and repair, utility expenses, correction of health and safety deficiencies, and routine ground maintenance.

(c) REGULATIONS.—The utilization of facilities of the Armed Forces Recreation Centers under Rest and Recuperation Leave Programs, and reimbursement for expenses related to such utilization of such facilities, shall be subject to regulations prescribed by the Secretary of Defense.

AMENDMENT NO. 2560

(Purpose: 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)

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

SEC. ____. REPORT ON INFORMATION ON STOP LOSS AUTHORITIES GIVEN TO ENLISTEES IN THE ARMED FORCES.

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

(1) The Department of Defense began retaining selected members of the Armed Forces beyond their contractual date of separation from the Armed Forces, a policy commonly known as ''stop loss'', shortly after the events of September 11, 2001, and for the first time since Operation Desert Shield/Desert Storm.

(2) The Marine Corps, Navy, and Air Force discontinued their use of stop loss authority in 2003. According to the Department of Defense, a total of 8,992 marines, 2,600 sailors, and 8,500 airmen were kept beyond their separation dates under that authority.

(3) The Army is the only Armed Force currently using stop loss authority. The Army reports that, during September 2005, it was retaining 6,929 regular component soldiers, 3,002 soldiers in the National Guard, and 2,847 soldiers in the Army Reserve beyond their separation date. The Army reports that it has not kept an account of the cumulative number of soldiers who have been kept beyond their separation date.

(4) The Department of Defense Form 4/1, Enlistment/Reenlistment Document does not give notice to enlistees and reenlistees in the regular components of the Armed Forces that they may be kept beyond their contractual separation date during times of partial mobilization.

(5) The Department of Defense has an obligation to clearly communicate to all potential enlistees and reenlistees in the Armed Forces their terms of service in the Armed Forces.

(b) REPORT.—

(1) IN GENERAL.—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 actions being taken to ensure that each individual being recruited for service in the Armed Forces is provided, before making a formal enlistment in the Armed Forces, precise and detailed information on the period or periods of service to which such individual may be obligated by reason of enlistment in the Armed Forces, including any revisions to Department of Defense Form 4/1.

(2) ELEMENTS.—The report under paragraph (1) shall include—

(A) a description of how the Department informs enlistees in the Armed Forces on—

(i) the so-called ''stop loss'' authority and the manner in which exercise of such authority could affect the duration of an individual's service on active duty in the Armed Forces;

(ii) the authority for the call or order to active duty of members of the Individual Ready Reserve and the manner in which such a call or order to active duty could affect an individual following the completion of the individual's expected period of service on active duty or in the Individual Ready Reserve; and

(iii) any other authorities applicable to the call or order to active duty of the Reserves, or of the retention of members of the Armed Forces on active duty, that could affect the period of service of an individual on active duty or in the Armed Forces; and

(B) such other information as the Secretary considers appropriate.

AMENDMENT NO. 2561

(Purpose: To require preparation of a development plan for a national coal-to-liquid fuels program)

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

SEC. 1073. COAL-TO-LIQUID FUEL DEVELOPMENT PLAN.

(a) DEFINITION OF DESIGNATED COMMITTEES.—In this section, the term ''designated committees'' means—

(1) the Committees on Armed Services, Energy and Natural Resources, and Appropriations of the Senate; and

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

(b) DEVELOPMENT PLAN AND REPORT.—Not later than 90 days after the date of enactment of this Act, using amounts available to the Department of Defense and the National Energy Technology Laboratory of the Department of Energy—

(1) the Secretary of Energy, in coordination with the Secretary of Defense, shall prepare and submit to the designated committees a development plan for a coal-to-liquid fuels program; and

(2) the Secretary of Defense, in coordination with the Secretary of Energy, shall prepare and submit to the designated committees a report on the potential use of the fuels by the Department of Defense.

(c) REQUIREMENTS.—The development plan described in subsection (b)(1) shall be prepared taking into consideration—

(1) technology needs and developmental barriers;

(2) economic and national security effects;

(3) environmental standards and carbon capture and storage opportunities;

(4) financial incentives;

(5) timelines and milestones;

(6) diverse regions having coal reserves that would be suitable for liquefaction plants;

(7) coal-liquid fuel testing to meet civilian and military engine standards and markets; and

(8) any roles other Federal agencies, State governments, and international entities could play in developing a coal-to-liquid fuel industry.

AMENDMENT NO. 2562

(Purpose: 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)

At the appropriate place, insert the following:

SECTION ____. DENIAL OF CERTAIN BURIAL-RELATED BENEFITS FOR INDIVIDUALS WHO COMMITTED A CAPITAL OFFENSE.

(a) PROHIBITION AGAINST INTERMENT IN NATIONAL CEMETERY.—Section 2411 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) A person whose conviction of a Federal capital crime is final.''; and

(B) by amending paragraph (2) to read as follows:

''(2) A person whose conviction of a State capital crime is final.''; and

(2) in subsection (d)—

(A) in paragraph (1), by striking ''the death penalty or life imprisonment'' and inserting ''a life sentence or the death penalty''; and

(B) in paragraph (2), by striking ''the death penalty or life imprisonment without parole may be imposed'' and inserting ''a life sentence or the death penalty may be imposed''.

(b) DENIAL OF CERTAIN BURIAL-RELATED BENEFITS.—Section 985 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''who has been convicted of a capital offense under Federal or State law for which the person was sentenced to death or life imprisonment without parole.'' and inserting ''described in section 2411(b) of title 38.'';

(2) in subsection (b), by striking ''convicted of a capital offense under Federal law'' and inserting ''described in section 2411(b) of title 38''; and

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

''(c) DEFINITION.—In this section, the term 'burial' includes inurnment.''.

(c) DENIAL OF FUNERAL HONORS.—Section 1491(h) of title 10, United States Code, is amended—

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

(2) by striking '' means a decedent who—'' and inserting the following: ''—

''(1) means a decedent who—'';

(3) in subparagraph (B), as redesignated, by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(2) does not include any person described in section 2411(b) of title 38.''.

(d) RULEMAKING.—

(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall prescribe regulations to ensure that a person is not interred in any military cemetery under the authority of the Secretary or provided funeral honors under section 1491 of title 10, United States Code, unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment or honors under Federal law.

(2) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall prescribe regulations to ensure that a person is not interred in any cemetery in the National Cemetery System unless a good faith effort has been made to determine whether such person is described in section 2411(b) of title 38, United States Code, or is otherwise ineligible for such interment under Federal law.

(e) SAVINGS PROVISION.—The amendments made by subsections (a), (b), and (c) shall not apply to any person whose sentence for a Federal capital crime or a State capital crime (as such terms are defined in section 2411(d) of title 38, United States Code) was commuted by the President or the Governor of a State.

AMENDMENT NO. 2563

(Purpose: To require an annual report on the budgeting of the Department of Defense related to key military equipment)

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

SEC. ___. ANNUAL REPORTS ON BUDGETING RELATING TO KEY MILITARY EQUIPMENT.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 234. Budgeting for key military equipment: annual reports

''(a) ANNUAL REPORT REQUIRED.—The Secretary of Defense shall submit to Congress each year, at or about the time that the budget of the President is submitted to Congress that year under section 1105(a) of title 31, a report on the budgeting of the Department of Defense for key military equipment.

''(b) REPORT ELEMENTS.—The report required by subsection (a) for a year shall set forth the following:

''(1) A description of the current strategies of the Department of Defense for sustaining key military equipment, and for any modernization that will be required of such equipment.

''(2) A description of the amounts required for the Department for the fiscal year beginning in such year in order to fully fund the strategies described in paragraph (1).

''(3) A description of the amounts requested for the Department for such fiscal year in order to fully fund such strategies.

''(4) A description of the risks, if any, of failing to fund such strategies in the amounts required to fully fund such strategies (as specified in paragraph (2)).

''(5) A description of the actions being taken by the Department of Defense to mitigate the risks described in paragraph (4).

''(c) KEY MILITARY EQUIPMENT DEFINED.—In this section, the term 'key military equipment'—

''(1) means—

''(A) major weapons systems that are essential to accomplishing the national defense strategy; and

''(B) other military equipment, such as major command, communications, computer intelligence, surveillance, and reconnaissance (C4ISR) equipment and systems designed to prevent fratricide, that is critical to the readiness of military units; and

''(2) includes equipment reviewed in the report of the Comptroller General of the United States numbered GAO–06–141.''.

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

''234. Budgeting for key military equipment: annual reports.''.

AMENDMENT NO. 2564

(Purpose: To improve the general authority of the Department of Defense to accept and administer gifts)

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

SEC. ___. IMPROVEMENT OF AUTHORITIES ON GENERAL GIFT FUNDS OF THE DEPARTMENT OF DEFENSE.

(a) RESTATEMENT AND EXPANSION OF CURRENT AUTHORITY.—Subsection (a) of section 2601 of title 10, United States Code, is amended to read as follows:

''(a)(1) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit, or in connection with, the establishment, operation, or maintenance of a school, hospital, library, museum, cemetery, or other institution or organization under the jurisdiction of such Secretary.

''(2)(A) Subject to subsection (b), the Secretary concerned may accept, hold, administer, and spend any gift, devise, or bequest of real or personal property made on the condition that it be used for the benefit of members of the armed forces or civilian employees of United States Government, or the dependents or survivors of such members or employees, who are wounded or killed while serving in Operation Iraqi Freedom, Operation Enduring Freedom, or any other military operation or activity, or geographic area, designated by the Secretary of Defense for purposes of this section.

''(B) The Secretary of Defense shall prescribe regulations specifying the conditions that may be attached to a gift, devise, or bequest accepted under this paragraph.

''(C) The authority to accept gifts, devises, or bequests under this paragraph shall expire on December 31, 2007.

''(3) The Secretary concerned may pay all necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest made under this subsection.''.

(b) SCOPE OF AUTHORITY TO USE ACCEPTED PROPERTY.—Such section is further amended—

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

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

''(b)(1) Except as provided in paragraph (2), property accepted under subsection (a) may be used by the Secretary concerned without further specific authorization in law.

''(2) Property accepted under subsection (a) may not be used—

''(A) if the use of such property in connection with any program, project, or activity would result in the violation of any prohibition or limitation otherwise applicable to such program, project, or activity;

''(B) if the conditions attached to such property are inconsistent with applicable law or regulations;

''(C) if the use of such property would reflect unfavorably on ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

''(D) if the use of such property would compromise the integrity or appearance of integrity of any program of the Department of Defense, or any individual involved in such a program.''.

(c) CONFORMING AMENDMENT.—Subsection (c) of such section, as redesignated by subsection (b)(1) of this section, is further amended in the flush matter following paragraph (4) by striking ''benefit or use of the designated institution or organization'' and inserting ''purposes specified in subsection (a)''.

(d) GAO AUDITS.—Such section is further amended by adding at the end the following new subsection:

''(f) The Comptroller General of the United States shall make periodic audits of real or personal property accepted under subsection (a) at such intervals as the Comptroller General determines to be warranted. The Comptroller General shall submit to Congress a report on the results of each such audit.''.

AMENDMENT NO. 2565

(Purpose: 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)

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

SEC. ___. SENSE OF SENATE ON APPLICABILITY OF UNIFORM CODE OF MILITARY JUSTICE TO RESERVES ON INACTIVE-DUTY TRAINING OVERSEAS.

It is the sense of the Senate that—

(1) there should be no ambiguity about the applicability of the Uniform Code of Military Justice (UCMJ) to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training (IDT) orders for any period of time under such orders; and

(2) the Secretary of Defense should—

(A) take action, not later than February 1, 2006, to clarify jurisdictional issues relating to such applicability under section 802 of title 10, United States Code (article 2 of the Uniform Code of Military Justice); and

(B) if necessary, submit to Congress a proposal for legislative action to ensure the applicability of the Uniform Code of Military Justice to members of the reserve components of the Armed Forces while serving overseas under inactive-duty training orders.

AMENDMENT NO. 2566

(Purpose: To facilitate the commemoration of the success of the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom)

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

SEC. ___. COMMEMORATION OF SUCCESS OF THE ARMED FORCES IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.

(a) FINDING.—Congress finds that it is both right and appropriate that, upon their return from Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq, all soldiers, sailors, marines, and airmen in the Armed Forces who served in those operations be honored and recognized for their achievements, with appropriate ceremonies, activities, and awards commemorating their sacrifice and service to the United States and the cause of freedom in the Global War on Terrorism.

(b) CELEBRATION HONORING MILITARY EFFORTS IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.—The President may, at the sole discretion of the President—

(1) designate a day of celebration to honor the soldiers, sailors, marines, and airmen of the Armed Forces who have served in Operation Enduring Freedom or Operation Iraqi Freedom and have returned to the United States; and

(2) issue a proclamation calling on the people of the United States to observe that day with appropriate ceremonies and activities.

(c) PARTICIPATION OF ARMED FORCES IN CELEBRATION.—

(1) PARTICIPATION AUTHORIZED.—Members and units of the Armed Forces may participate in activities associated with the day of celebration designated under subsection (b) that are held in Washington, District of Columbia.

(2) AVAILABILITY OF FUNDS.—Subject to paragraph (4), amounts authorized to be appropriated for the Department of Defense may be used to cover costs associated with the participation of members and units of the Armed Forces in the activities described in paragraph (1).

(3) ACCEPTANCE OF PRIVATE CONTRIBUTIONS.—(A) Notwithstanding any other provision of law, the Secretary of Defense may accept cash contributions from private individuals and entities for the purposes of covering the costs of the participation of members and units of the Armed Forces in the activities described in paragraph (1). Amounts so accepted shall be deposited in an account established for purposes of this paragraph.

(B) Amounts accepted under subparagraph (A) may be used for the purposes described in that subparagraph until expended.

(4) LIMITATION.—The total amount of funds described in paragraph (2) that are available for the purpose set forth in that paragraph may not exceed the amount equal to—

(A) $20,000,000, minus

(B) the amount of any cash contributions accepted by the Secretary under paragraph (3).

(d) AWARD OF RECOGNITION ITEMS.—

(1) AUTHORITY TO AWARD.—Under regulations prescribed by the Secretary of Defense, appropriate recognition items may be awarded to any individual who served honorably as a member of the Armed Forces in Operation Enduring Freedom or Operation Iraqi Freedom during the Global War on Terrorism. The purpose of the award of such items is to recognize the contribution of such individuals to the success of the United States in those operations.

(2) RECOGNITION ITEMS DEFINED.—In this subsection, the term ''recognition items'' means recognition items authorized for presentation under section 2261 of title 10, United States Code (as amended by section 593(a) of this Act).

AMENDMENT NO. 2567

(Purpose: To authorize the construction of battalion dining facilities at Fort Knox, Kentucky)

On page 310, in the table following line 16, insert after the item relating to Fort Campbell, Kentucky, the following:

	Fort Knox	$4,600,000

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert ''$1,199,722,000''.

On page 317, between lines 3 and 4, insert the following:

SEC. 2105. CONSTRUCTION OF BATTALION DINING FACILITIES, FORT KNOX, KENTUCKY.

(a) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2104(a) for military construction, land acquisition, and military family housing functions of the Department of the Army and the amount of such funds authorized by paragraph (1) of such subsection for military construction projects inside the United States are each hereby decreased by $3,600,000.

(b) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2104(a)(1) for the Department of the Army and available for military construction at Fort Knox, Kentucky, $4,600,000 is available for the construction of battalion dining facilities at Fort Knox.

AMENDMENT NO. 2568

(Purpose: To provide for a responsibility of the Joint Chiefs of Staff as military advisors to the Homeland Security Council)

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

SEC. . RESPONSIBILITY OF THE JOINT CHIEFS OF STAFF AS MILITARY ADVISERS TO THE HOMELAND SECURITY COUNCIL.

(a) RESPONSIBILITY AS MILITARY ADVISERS.—

(1) IN GENERAL.—Subsection (b) of section 151 of title 10, United States Code, is amended—

(A) in paragraph (1), by inserting ''the Homeland Security Council,'' after ''the National Security Council,''; and

(B) in paragraph (2), by inserting ''the Homeland Security Council,'' after ''the National Security Council,''.

(2) CONSULTATION BY CHAIRMAN.—Subsection (c)(2) of such section is amended by inserting ''the Homeland Security Council,'' after ''the National Security Council,'' both places it appears.

(3) ADVICE AND OPINIONS OF MEMBERS OTHER THAN CHAIRMAN.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting ''the Homeland Security Council,'' after ''the National Security Council,'' both places it appears; and

(B) in paragraph (2), by inserting ''the Homeland Security Council,'' after ''the National Security Council,''.

(4) ADVICE ON REQUEST.—Subsection (e) of such section is amended by inserting ''the Homeland Security Council,'' after ''the National Security Council,'' both places it appears.

(b) ATTENDANCE AT MEETING OF HOMELAND SECURITY COUNCIL.—Section 903 of the Homeland Security Act of 2002 (6 U.S.C. 493) is amended—

(1) by inserting ''(a) MEMBERS.—'' before ''The members''; and

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

''(b) ATTENDANCE OF CHAIRMAN OF JOINT CHIEFS OF STAFF AT MEETINGS.—The Chairman of the Joint Chiefs of Staff (or, in the absence of the Chairman, the Vice Chairman of the Joint Chiefs of Staff) may, in the role of the Chairman of the Joint Chiefs of Staff as principal military adviser to the Homeland Security Council and subject to the direction of the President, attend and participate in meetings of the Homeland Security Council.''

AMENDMENT NO. 2569

(Purpose: To express the sense of the Senate on the lives saved by the Common Remotely Operated Weapons Station (CROWS) platform)

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

SEC. 1073. SENSE OF SENATE ON COMMON REMOTELY OPERATED WEAPONS STATION (CROWS) PLATFORM.

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

(1) With only a few systems deployed, the Common Remotely Operated Weapons Station (CROWS) platform is already saving the lives of soldiers today in Iraq by moving soldiers out of the exposed gunner's seat and into the protective shell of an up-armored Humvee.

(2) The Common Remotely Operated Weapons Station platform dramatically improves battlefield awareness by providing a laser rangefinder, night vision, telescopic vision, a fire control computer that allows on-the-move target acquisition, and one-shot one-kill accuracy at the maximum range of a weapon.

(3) As they become available, new technologies can be incorporated into the Common Remotely Operated Weapons Station platform, thus making the platform scalable.

(4) The Army has indicated that an additional $206,000,000 will be required in fiscal year 2006 to procure 750 Common Remotely Operated Weapons Station units for the Armed Forces, and to prepare for future production of such weapons stations.

(b) SENSE OF SENATE.—It is the sense of the Senate that the President should include in the next request submitted to Congress for supplemental funding for military operations in Iraq and Afghanistan sufficient funds for the production in fiscal year 2006 of a number of Common Remotely Operated Weapons Station units that is adequate to meet the requirements of the Armed Forces.

AMENDMENT NO. 2570

(Purpose: To include packet based telephony service in the Department of Defense telecommunications benefit)

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

SEC. . INCLUSION OF PACKET BASED TELEPHONY IN DEPARTMENT OF DEFENSE TELECOMMUNICATIONS BENEFIT.

(a) INCLUSION IN BENEFIT.—Subsection (a) of section 344 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 117 Stat. 1448) is amended by inserting ''packet based telephony service,'' after ''prepaid phone cards,''.

(b) INCLUSION OF INTERNET TELEPHONY IN DEPLOYMENT OF ADDITIONAL TELEPHONE EQUIPMENT.—Subsection (e) of such section is amended—

(1) by inserting ''or Internet service'' after ''additional telephones'';

(2) by inserting ''or packet based telephony'' after ''to facilitate telephone''; and

(3) by inserting ''or Internet access'' after ''installation of telephones''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in the subsection caption of subsection (a), by striking ''PREPAID PHONE CARDS'' and inserting ''BENEFIT''; and

(2) in the subsection caption of subsection (e), by inserting ''OR INTERNET ACCESS'' after ''TELEPHONE EQUIPMENT''.

AMENDMENT NO. 2571

(Purpose: 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)

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

SEC. . SENSE OF SENATE ON APPLICABILITY OF COMPETITION EXCEPTIONS TO ELIGIBILITY OF NATIONAL GUARD FOR FINANCIAL ASSISTANCE FOR PERFORMANCE OF ADDITIONAL DUTIES.

It is the sense of the Senate that the amendment made by section 806 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2010) permits the Secretary of Defense to provide financial assistance to the Army National Guard for the performance of additional duties specified in section 113(a) of title 32, United States Code, without the use of competitive procedures under the standard exceptions to the use of such procedures in accordance with section 2304(c) of title 10, United States Code.

AMENDMENT NO. 2572

(Purpose: To clarify that military reservists, who are released from active duty and who are otherwise qualified, are eligible for veterans preference in Federal hiring)

At the appropriate place, insert the following:

SECTION . VETERANS PREFERENCE ELIGIBILITY FOR MILITARY RESERVISTS.

(a) SHORT TITLE.—This section may be cited as the ''Reservist Access to Veterans Preference Act''.

(b) VETERANS PREFERENCE ELIGIBILITY.—Section 2108(1) of title 5, United States Code, is amended by striking ''separated from'' and inserting ''discharged or released from active duty in''.

(c) SAVINGS PROVISION.—Nothing in the amendment made by subsection (b) may be construed to affect a determination made before the date of enactment of this Act that an individual is preference eligible (as defined in section 2108(3) of title 5, United States Code).

AMENDMENT NO. 2573

(Purpose: 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)

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

SEC. 718. STUDY AND REPORT ON CIVILIAN AND MILITARY PARTNERSHIP PROJECT.

(a) STUDY.—The Secretary of Defense shall conduct a study on the feasibility of conducting a military and civilian partnership project to permit employees of the Department of Defense and of a non-profit health care entity to jointly staff and provide health care services to military personnel and civilians at a Department of Defense military treatment facility.

(b) REPORT.—Not later than December 31, 2006, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study required by subsection (a).

AMENDMENT NO. 2574

At the appropriate place in title VIII, insert:

SEC. ___. CONTRACTING INCENTIVE FOR SMALL POWER PLANTS ON FORMER MILITARY BASES.

(a) AUTHORIZATION.—Notwithstanding the limitation in Section 501(b)(1)(B) of title 40, United States Code, the Administrator of the General Services Administration is authorized to contract for public utility services for a period of not more than 20 years, provided that such services are electricity services procured from a small power plant located on a qualified HUBZone base closure area.

(b) DEFINITION OF SMALL POWER PLANT.—In this section, the term small power plant includes any power facility or project with electrical output of not more than 60 Megawatts.

(c) DEFINITION OF PUBLIC UTILITY ELECTRIC SERVICES.—In this section, the term ''public utility services'', with respect to electricity services, includes electricity supplies and services, including transmission, generation, distribution, and other services directly used in providing electricity.

(d) DEFINITION OF HUBZONE BASE CLOSURE AREA.—In this section, the term ''HUBZone base closure area'' has the same meaning as such term is defined in Section 3(p)(4)(D) of the Small Business Act, 15 U.S.C. 632(p)(4)(D).

(e) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Contracting pursuant to this section shall be subject to all other laws and regulations applicable to contracting for public utility services.

AMENDMENT NO. 2575

(Purpose: To extend through 2010 the requirement for an annual report on the maturity of technology at the initiation of major defense acquisition programs)

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

SEC. ___. EXTENSION OF ANNUAL REPORTS ON MATURITY OF TECHNOLOGY AT INITIATION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 804(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1180) is amended by striking ''through 2006'' and inserting ''through 2010''.

AMENDMENT NO. 2576

(Purpose: 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)

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

SEC. 2602. NATIONAL GUARD CONSTRUCTION PROJECTS.

(a) ARMY NATIONAL GUARD AT CAMP DAWSON, WEST VIRGINIA.—

(1) AUTHORIZATION OF APPROPRIATIONS.—The amount authorized to be appropriated by section 2601(1)(A) for the Department of the Army for the Army National Guard of the United States is hereby increased by $4,500,000.

(2) USE OF FUNDS.—Of the amount authorized to be appropriated by section 2601(1)(A) for the Department of the Army for the Army National Guard of the United States, as increased by paragraph (1), $4,500,000 is available for the construction of a readiness center at Camp Dawson, West Virginia.

(3) OFFSET.—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, and available for the construction of a bridge/gate house/force protection entry project at Camp Yeager, West Virginia, is hereby decreased by $4,500,000.

(b) AIR NATIONAL GUARD AT EASTERN WEST VIRGINIA REGIONAL AIRPORT.—Of the amount authorized to be appropriated by section 2603(3)(A) for the Department of the Air Force for the Air National Guard of the United States, and otherwise available for the construction of a bridge/gate house/force protection entry project at Camp Yeager Air National Guard Base, West Virginia, $2,000,000 shall be available instead for C-5 aircraft shop upgrades at Eastern West Virginia Regional Airport, Shepherd Field, Martinsburg, West Virginia.

AMENDMENT NO. 2577

(Purpose: To require a report on the effects of windmill farms on military readiness)

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

SEC. ___. REPORT ON EFFECTS OF WINDMILL FARMS ON MILITARY READINESS.

(a) FINDING.—Congress finds that the Ministry of Defence of the United Kingdom has determined, as a result of a recently conducted study of the effect of windmill farms on military readiness, not to permit construction of windmill farms within 30 kilometers of military radar installations.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the effects of windmill farms on military readiness, including an assessment of the effects on the operations of military radar installations of the proximity of windmill farms to such installations and of technologies that could mitigate any adverse effects on military operations identified.

AMENDMENT NO. 2578

(Purpose: To require a report on advanced technologies for nuclear power reactors in the United States)

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

SEC. ___. REPORT ON ADVANCED TECHNOLOGIES FOR NUCLEAR POWER REACTORS IN THE UNITED STATES.

(a) REPORT REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of Energy shall submit to Congress a report on advanced technologies for nuclear power reactors in the United States.

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

(1) A description and assessment of technologies under development for advanced nuclear power reactors that offer the potential for further enhancements of the safety performance of nuclear power reactors.

(2) A description and assessment of technologies under development for advanced nuclear power reactors that offer the potential for further enhancements of proliferation-resistant nuclear power reactors.

(c) FORM OF REPORT.—The information in the report required by subsection (a) shall be presented in manner and format that facilitates the dissemination of such information to, and the understanding of such information by, the general public.

AMENDMENT NO. 2579

(Purpose: To require quarterly reports on the war strategy in Iraq)

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

SEC. ___. QUARTERLY REPORTS ON WAR STRATEGY IN IRAQ.

(a) QUARTERLY REPORTS.—At the same time the Secretary of Defense submits to Congress each report on stability and security in Iraq that is submitted to Congress after the date of the enactment of this Act under the Joint Explanatory Statement of the Committee on Conference to accompany the conference report on the bill H.R. 1268 of the 109th Congress, the Secretary of Defense and appropriate personnel of the Central Intelligence Agency shall provide the appropriate committees of Congress a briefing on the strategy for the war in Iraq, including the measures of evaluation utilized in determining the progress made in the execution of that strategy.

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

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

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

Mr. BINGAMAN. Mr. President, I rise today in support of an amendment to the Defense Authorization Act of 2006, introduced by Senator WARNER along with Senator LEVIN and myself, which would authorize emergency supplemental appropriations for the Department of Defense for domestic hurricane relief and avian flu preparedness. At my request, this amendment also includes $40 million in relief assistance for the people affected by the devastating earthquake that struck northern Pakistan, India, and Afghanistan on October 8, 2005. It would also require the Secretary to submit a report to Congress describing the Department of Defense's humanitarian efforts in the region and assessing the need for further reconstruction and relief assistance. Although I fully support the $40 million authorized in this amendment, I believe the DOD assessment will reveal the need for a substantial increase

in assistance for the approximately 3 million people left homeless by this earthquake.

Initial reports of this disaster described the situation as critical, with over 30,000 people estimated dead and 1 million people in desperate need of assistance. It is my understanding that, based on these initial estimates, USAID has spent approximately $50 million of the $156 million that the United States pledged in humanitarian assistance to South Asia. In addition, the U.S. military has been allocated $56 million of this pledge to support logistical and other military relief efforts, and $50 million of this has already been spent. As of November 9, the Department of Defense had more than 900 personnel providing relief and reconstruction support. DOD has flown more than 1,100 helicopter missions delivering 2,700 tons of relief supplies and evacuated over 8,200 casualties from the affected area. In addition, the 212th Mobile Army Surgical Hospital has established a unit in Pakistan and has 36 intensive care unit beds, 60 intermediate minimal care beds, and 2 operating rooms. This unit has performed valiantly, having completed more than 100 surgeries and treated 1,200 nonsurgical patients.

While I fully support these efforts, it has become clear that this disaster is much larger than what was first assumed. The United Nations is now reporting that ''the unfolding picture reveals levels of human and economic devastation unprecedented in the history of the subcontinent.'' In Pakistan alone, approximately 80,000 people have died, half of whom were children. Nearly the same amount of people are injured, with both numbers expected to rise. This region is home to 5 million people scattered across this mountainous area, and with a harsh winter quickly approaching, the situation has the potential to become much worse.

The earthquake destroyed most hospitals, schools, and government buildings, and hundreds of towns and villages in the region have been completely wiped out. Most roads and bridges have been completely destroyed, and the 900 aftershocks have blocked the remaining roads by landslides. Tens of thousands of people are still completely cut off from any form of assistance. According to the United Nations, over 2 million people require life-saving assistance, including basic necessities like food, water, and medicine. In addition, approximately 3 million people lack adequate shelter at a time when temperatures are consistently below freezing and growing colder. There is now growing concern that the death toll could quickly double if increased aid is not provided immediately.

The U.N. has increased its appeal for aid to $550 million for the next 6 months of operations, and it is estimated that disaster relief and reconstruction may cost up to $6 billion over the long term. In the near term however, I believe it is critical that we do all we can before the Thanksgiving recess to help these people as they struggle through the winter months. It is also important that if we are truly committed to changing how the United States is perceived in a region which is predominantly rural, poor, and Muslim, we must be willing to demonstrate America's compassion and generosity in this time of urgent need. To this end, I urge my colleagues to support this amendment.

AMENDMENT NO. 2577

Mr. WARNER. Mr. President, for the past several years the Senate has been very engaged in producing a comprehensive energy policy. This summer we took a positive step forward passing the first Energy bill in more than 14 years.

It is my hope that this Energy bill will expand domestic supply, encourage alternative sources, and help reduce our overall demand for energy. Alternative energy sources will continually play a larger role in the Nation's future and I believe wind power is a part of that solution.

The Energy bill shifted the inadequate permitting process for alternative energy production on outer continental shelf lands from the Army Corps of Engineers to the Department of Interior's Minerals Management Service. Given the Minerals Management Service's experience with permitting offshore oil and gas leases, the inclusion of alternative energy production such as windmills is a natural fit. Now the permitting of wind farms, whether on or off shore, follows a strong permitting process with input from the local, State, and Federal Governments.

However, as windmills become a more prevalent part of the Nation's energy landscape, we must be fully aware of the effects these facilities may have on other aspects of the country's well being.

I have been prompted to look into this based upon the experiences of the United Kingdom, which has studied in detail the potential adverse effects of wind turbines on their radar abilities. The UK Ministry of Defence is now a part of the permitting process for potential wind farms in that country and some of these findings are currently being shared with our own Department of Defense. However, we need more study.

Today I offer an amendment to provide a study regarding the effects of wind turbines on military readiness, including an assessment of the effects such farms may have on military radar. My amendment also requires the report to include an assessment of technologies that could mitigate any adverse effects wind projects could have on military operations. As the entire world continues the development of alternative sources of energy, it is imperative that the Department of Defense and the Congress understand the effects that those energy sources may have on the military's ability to do its job.

Whether it is a wind farm in the middle of the Arizona desert, several miles off the Alaska Coast, or set along the shore of South Africa, this Nation's military simply must be able to adequately deal with the potential effects.

I thank the Senate for agreeing to include this study in the Defense Authorization bill and look forward to its findings.

AMENDMENT NO. 1345

Ms. COLLINS. Mr. President, competitive sourcing is the process by which the Federal Government conducts a competition to compare the cost of obtaining a needed commercial service from a private sector contractor rather than from Federal employees. Properly conducted, competitive sourcing can be an effective tool to achieve cost savings. Poorly utilized, however, it can increase costs and hurt the morale of the Federal workforce.

The current guidelines under which agencies conduct these competitions are contained in the Office of Management and Budget's Circular A–76. To ensure that we maximize the benefit and minimize the cost of competitive sourcing, A–76 competitions must be conducted in a carefully crafted manner. The rules under which they take place must be fair, objective, transparent, and efficient. In one particular regard, I believe the current rules fail to meet these criteria.

Specifically, they do not allow Federal employees to protest the agency's decisions in an A–76 competition beyond the agency's own internal review processes to the General Accountability Office. Congress has vested in the GAO the jurisdiction to hear and render opinions in protests of agency acquisition decisions generally. Private sector contractors, in contrast to Federal employees, have standing to protest agency procurement decisions, including those in A–76 competitions, before GAO.

The current situation does not arise from any conscious policy decision of Congress, GAO, or OMB. Rather, it occurs because the Federal statute that confers protest jurisdiction upon GAO, the Competition in Contracting Act of 1984 or ''CICA'' was not drafted to address the unique nature of A–76 competitions, in particular, the role of Federal employees in the ''Most Efficient Organization'' or ''MEO,'' which is the in-house side of these competitions. This was not deliberate—this particular circumstance for protest was simply not contemplated by Congress when drafting CICA.

Recent revisions to A–76 created the potential for GAO to review past decisions by Federal courts and revisit its own opinions to see whether the revisions would merit a determination that Federal employees had gained standing to protest adverse A–76 competition decisions. However, a GAO protest decision indicates that GAO has concluded

it lacks the authority under CICA to hear protests from Federal employees in the MEO in these competitions. As a result, corrective legislation became necessary in our view.

The Collins-Akaka amendment addresses a very important inequity in our current procurement system. The amendment would ensure that Federal employees have standing to protest to GAO similar to what the private sector enjoys. The amendment would extend GAO protest rights on behalf of the MEO in A–76 competitions to two individuals. The first is the Agency Tender Official or ''ATO.'' The ATO is the agency official who is responsible for developing and representing the Federal employees' MEO. The second is a representative chosen directly by the Federal employees in the MEO for the purposes of filing a protest with GAO where the ATO does not, in the view of a majority of the MEO, fulfill his or her duties in regards to a GAO protest. Our intent is to bolster the A–76 process by providing a mechanism for Federal employees to seek redress from GAO, an entity that is well known for its fair, effective and expert handling of acquisition protests.

STUDY OF NUCLEAR POWER

Mr. WARNER. Mr. President, as the world economy continues to develop, populations and economies grow, and energy demand continues to rise, it is imperative that we diversify our supply of energy. Nuclear power provides approximately 20 percent of our Nation's electricity needs and it is a clean air alternative to fossil fuels. The safety record of our commercial nuclear industry is a positive story and one that we need to share. In an era where resources have become increasingly scarce and expensive, it is unfortunate that nuclear power hasn't seemed to be a part of the readily accepted solution. We have not been building nuclear power plants in the past 20 plus years because of environmental and safety concerns and this is a trend that I feel must be reversed.

I feel these concerns and that opposition to nuclear power are simply a result of a lack of information. Today I offer an amendment that will provide objective data for the public to see. Specifically, my amendment calls on the Department of Energy to report to Congress on the technologies for advanced nuclear power reactors and the potential for safety enhancements as a result of those technologies.

This amendment will build on the nuclear provisions in the recently passed Energy bill. Specifically, the extension of Price Anderson insurance, incentives for nuclear power production, and support for the construction of new nuclear reactors are positive policy developments. In addition, there are several security related provisions regarding security exercises, worker screening, and minimum facility standards that will further enhance the safety and security of our nuclear facilities. However, I feel there is information that would help many understand the safety record of the industry and the potential enhancement of that through new technology in the future.

I believe we must expand our nuclear power output as part of a comprehensive energy policy and it is my hope that this study helps the public better understand the safe and reliable contribution nuclear power can make.

I thank the Senate for including this amendment.

Mr. WARNER. Returning to the debate on the two amendments, I yield from my time 3 minutes to the distinguished Senator from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank the Senator from Virginia. I rise to support the Warner amendment and to respectfully oppose the Levin amendment.

I believe something very important has happened in the last 24 hours. In my opinion, the debate has grown in our country and in this city much too partisan over what is happening in Iraq. That partisanship has begun to get in the way of the potential for a successful completion of our mission there.

I cite the great Senator Arthur Vandenberg of Michigan, who said: Politics must end at the water's edge. Why? So that America speaks with maximum authority against those who would divide and conquer us in the free world. That is from an earlier chapter in history, but his words cry out to us.

Here is what the Washington Post said Saturday:

> President Bush and leading congressional Democrats lobbed angry charges at each other Friday in an increasingly personal battle over the origins of the Iraq war. The sharp tenor Friday resembled an election year campaign more than a policy disagreement.

That is the danger that Vandenberg warns of. And about what? About prewar intelligence, almost 3 years ago—not irrelevant, not unimportant, but not as relevant and important as how we successfully complete our mission in Iraq, how we protect the 150,000 men and women fighting for us in uniform over there, how we do what the majority of Members of both parties have said is so important to us—successfully complete this mission.

Senator WARNER and Senator LEVIN have done something unique. Senator LEVIN worked very hard on our side to try to put together a broad amendment that could involve as many members of the Democratic caucus as possible. He did something that is important: expressed support for the troops, for successful completion of the mission, but quite correctly asked the administration and the Pentagon for a plan, for measurements, for the beginning of a more open and complete dialog with Congress.

He put something in there that I don't agree with that will lead me respectfully to vote against the amendment. The last paragraph in the Levin-Reid amendment looks like a timetable for withdrawal. It may not be the intention, but I fear that is the message it will send. That is a message I fear will discourage our troops in the field, will encourage the terrorists, and will confuse the Iraqis.

Senator WARNER has come along and accepted most of the Levin amendment except primarily eliminated that last paragraph. In doing so, these two leaders, Senator LEVIN and Senator WARNER, have created a context to break through the partisanship that has begun to diminish American public support for the war, and that means making it more difficult for our troops to successfully complete the mission.

We set up a dialog between the Congress and the President, measuring points, and hopefully the administration will respond. This is a statement of trust between Senator WARNER and Senator LEVIN. I hope it will be responded to by the administration because ultimately, only together, as Vandenberg advised, will we achieve success in Iraq. And success in Iraq means great stability in the Middle East, great freedom for the people of Iraq, and a setback for the terrorists who attacked us on September 11 and are anxious to do so again. I thank my friends for working together to get us to this point.

Here is my hope. The vote on the Levin amendment, I gather, will be first. I will respectfully vote against it. If it does not pass, I hope there is overwhelming support for the Warner amendment. I can even dream that 100 Senators would vote for it. That would be the strongest statement of support to our troops and the strongest statement of opposition to our enemy in Iraq.

I yield the floor.

Mr. LEVIN. How much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 9 minutes 55 seconds.

Mr. LEVIN. I yield 5 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, before my friend from Connecticut leaves, I point out it is not partisanship that has caused the American people to leave this war; it is the incredible gap between the rhetoric of the administration of the last 2 years and the reality on the ground. Before we ever got into the open debate, the American people in droves were leaving this not just because Americans are dying, as tragic as that is, but because they do not think we have a plan.

What I think all Democrats and Republicans are deciding is, Tell us the plan, Stan. Tell us, Mr. President, what is the plan? It is the first time this has happened.

The purpose of the amendment is as clear as it is critical: to require the Bush administration to lay out what we need to do to succeed in Iraq. For

the first time, our Republican colleagues have joined Democrats in insisting on a clear Iraqi strategy from this administration, a schedule to achieve it, and real accountability.

Let me be clear about what the amendment does not do. It does require the administration to explain in detail, in public, its plan for success—it has not been public, and that is why the American people have left this outfit—and do it with specific goals, a realistic schedule for achieving those goals, and the relationship between achieving the goals and redeploying U.S. forces. It does not set a deadline for withdrawal.

In providing the plan, both Democrats and Republicans are saying: I hope the administration will start by being realistic and state specifically what the mission is. Is the mission to protect every Iraqi, or is the mission different? As the military will tell, and no one knows better than my friends on the Committee on Armed Services, the mission dictates the force structure, and the more realistic mission calls for less force. We have to refocus our mission on preserving America's fundamental interests in Iraq. What are they?

First, we have to ensure that Iraq does not become what it was not before the war: a haven for jihadist terrorists.

Second, we have to do what we can to prevent a full-blown civil war that turns into regional war. I predict if there is a civil war, there will be a regional war.

To leave Iraq a stable and a united country with representative government, posing no threat to its neighbors, we need to proceed on three tracks at the same time: a political diplomatic track, an assistance track, and a security track. We cannot succeed in Iraq without all three of those succeeding.

On the diplomatic track, nothing is more important than getting Iraq's three main groups—Shiites, Sunnis, and Kurds—to agree to changes in a constitution by next spring so that there is a consensus constitution.

My friend, the chairman of the committee, says without a political solution, we cannot do this. He is right. We need to know exactly what the administration is doing to convince each community to make the compromises necessary for a broad and sustainable political settlement.

We also need to know that the administration plans to engage the world powers and regional powers in this effort, as we did in the Six Plus Two Plan in Afghanistan, as we did in Bosnia. Iraq's neighbors have real influence with these different communities, and we need them to use that influence to arrive at a political settlement.

On the assistance track, the whole house of cards will collapse if Iraqis have no capacity to govern themselves, and if the Iraqi people cannot turn on the lights, drink the water, and walk out their front doors without wading into sewage.

So we need to know what specific steps the administration is taking to strengthen the capacity of Iraq's governmental ministries. We all know none of them can function now—none. Not a single Iraqi ministry is capable of functioning. The administration rejected the British plan to adopt these ministries. So what is the plan? What are you going to do, Mr. President, to make them able to function? How many regular police do we have to keep? What are the basic law-and-order requirements before we can draw down?

We need to stop this silliness about having trained 179,000 troops. Stop this silliness. Tell us what the facts are and tell us the relationship between the facts and our ability to draw down.

What is the plan to ensure that these local ministries are able to move on their own and coordinate Iraqi security forces?

Our amendment lays this out. The fact that our Republican colleagues have signed on to a very similar amendment makes it clear that all of us in this body are tired of not being told the facts.

So, Mr. President, the gap between this administration's rhetoric on Iraq and the reality on the ground has created a huge credibility gap. And I would have never thought this: Only this President could unite the Senate. He has united the Senate on a single point: What is the plan? That is what our amendment does.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BIDEN. I thank the Chair and I thank my colleague.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BIDEN. Mr. President, I ask unanimous consent, if it is possible, for 1 minute for my friend from California.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Michigan.

Mr. LEVIN. Mr. President, is that an additional minute above the time allotted to us?

Mr. BIDEN. Yes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WARNER. Mr. President, I assume that a minute comes to this side likewise.

Mr. BIDEN. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from California is recognized for 1 minute.

Mrs. BOXER. I thank the Chair and my friend from Delaware.

Mr. President, remember when Secretary Rumsfeld said he doubted the war would last 6 months, and when White House Budget Director Daniels said Iraq would be an affordable endeavor, and Condoleezza Rice used the imagery of a mushroom cloud to describe the threat of Iraq, and Vice President CHENEY's now famous assessment of the insurgency: ''They are in their last throes, if you will''? That is a quote.

Well, this administration has failed to lead in Iraq in a way that is ensuring a way out of this with a successful mission.

Finally, the Senate is finding its voice today in both of these proposals in front of us. I am proud to say the Senate is standing up for a change in policy. The status quo is not working. In California, we have lost about 24 percent of the dead. We are suffering. Their families are suffering. Just to say, ''stay the course, stay the course, no matter how badly it is going,'' is simply not going to help our troops in the field.

So, Mr. President, I view this day as a very important breakthrough for the American people. They are being heard. The Democrats are hearing them. The Republicans took the very words of our resolution, made a couple of changes, I think important changes, which mitigate in favor of ours, but I certainly will be voting for both.

Thank you very much.

The ACTING PRESIDENT pro tempore. The Senator has used her 1 minute.

Who yields time?

Mr. LEVIN. Mr. President, how much time is remaining on both sides?

The ACTING PRESIDENT pro tempore. The Senator from Michigan has 3 minutes 38 seconds. The Republican side has 4 minutes 18 seconds.

Mr. LEVIN. Mr. President, I yield a minute to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 1 minute.

Mr. REED. Mr. President, after 2½ years of insurgency warfare in Iraq, it is a stunning indictment of the Bush administration that this Senate has to ask for a plan. And we are asking on behalf of the American people because their disquiet with Iraq is not a function of political bickering, it is a function of not understanding what the plan is because the President has not presented us with a viable, coherent plan.

I believe an important part of that plan is the phased redeployment of American forces without a deadline. I believe that is being embraced by people around the world. Yesterday, Tony Blair spoke about the possibility of withdrawing British troops in 2006. Talabani, the Iraqi leader, spoke about it. John Reid, the Defense Secretary of Great Britain, talked about it.

I think we have to have from the administration a notion of when our forces will come out of Iraq or redeployed within Iraq. It is important not only for Iraq, it is important for our security across the globe. How can we defend ourselves in the future if we do not know if our forces will be freed up to respond to other crises? How can we pay for these troops if we don't know when they will be coming out of Iraq? I think it is important to do this and essential to any plan. I hope that is something we can agree on today.

The ACTING PRESIDENT pro tempore. The Senator has used 1 minute.

Who yields time?

Mr. LEVIN. Mr. President, I yield a minute to the Senator from Illinois.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized for 1 minute.

Mr. DURBIN. Mr. President, this debate today is going to be a significant debate because you are going to hear from both sides of the aisle that we are voting for change. We will reject the status quo. We will reject the President's call for blind loyalty to his policies in Iraq because we cannot be blind to the fact that we have lost over 17,000 American soldiers who have been killed and wounded. We cannot be blind to the fact that there is no plan for success in Iraq. We cannot be blind to the fact that it does no favor to our troops and their families to ignore the obvious.

We need new leadership and new direction. The vote today on the Warner amendment and the vote on the Levin amendment are both votes for change. They are not votes to cut and run. Even though the Republicans have done a cut-and-paste job on the Democratic amendment, both amendments say to the administration: It is time to change the course for success, to make certain that 2006 is a significant year, so that we move toward a success and victory for our troops and for our Nation.

The ACTING PRESIDENT pro tempore. The Senator's 1 minute has expired.

Who yields time?

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I regret the term ''cut and paste'' was used. Senator LEVIN and I have worked together now for 27 years in the Armed Services Committee. I worked with him and told him we decided not to completely rewrite the amendment. This in an effort, as the Senator from Connecticut, Mr. LIEBERMAN, a member of our committee, so eloquently stated, to reach a sense of bipartisanship at this very critical time, on the eve of another and perhaps the most significant election in Iraq, to show strong bipartisan support on those points on which we agree. And we agree almost on every point, with the exception of the last paragraph.

I was interested in listening to each of the debates thus far, and I did not hear anyone on that side specifically reinforce this last paragraph, which we cannot accept, nor should the country have Congress send across the airwaves of the world this message:

> A campaign plan with estimated dates for the phased redeployment of the United States Armed Forces from Iraq as each condition is met, with the understanding that unexpected contingencies may arise.

Therein is a short paragraph that could completely destabilize this forthcoming election on December 15, sending the wrong message. It is not needed.

This amendment, as drawn, is a very powerful, very powerful statement by the Congress—hopefully, if the House adopts it, but certainly by the Senate—of the need to tell the Iraqi people that we have done our share, we are not going to leave them, but we expect from them equal, if not greater, support than they have given to this date.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, this amendment represents a significant change in the course that we are on and so does the Republican amendment. The title of both amendments is ''To clarify and recommend changes to the policy of the United States on Iraq. . . .'' That is the purpose of my amendment. It is a purpose which is retained in the Warner amendment.

We lay out what those changes are. We agree on almost all of the changes, that ''2006 should be a period of significant transition,'' that there should be ''phased redeployment of United States forces.'' That is on page 2. That is not paragraph 7. They accept the idea that we should create the conditions for phased redeployment. They accept my idea and our idea that the United States ''should tell the leaders of all groups and political parties in Iraq that they need to make the compromises necessary'' for a broad-based political settlement.

We need that political settlement. Our military leaders tell us, if there is any chance of a military victory, you have to have a political settlement. So we endorse paragraph 7. Senator FEINGOLD read it. I have read it. We totally endorse it for what it says. It is not cut and run. It is not a statement that we are going to withdraw on a fixed date.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who yields time?

The minority leader is recognized.

Mr. REID. Mr. President, I will use leader time.

The ACTING PRESIDENT pro tempore. The Senator may use his leader time.

Mr. REID. Mr. President, today, Senate Democrats offer the most important amendment to this most important bill. Our amendment asks the Bush administration to give our troops in Iraq a strategy that is worthy of their sacrifices and heroic service.

Three years ago, America invaded Iraq with the finest Armed Forces in the world. Our military forces were unchallenged and unmatched, and they remain so today. Unfortunately, the President and this administration have not exercised the leadership our troops deserve. They place our troops in harm's way without a plan for success and have damaged our standing in the world.

It is long past time for the President, the Vice President, and the rest of the Bush White House to level with the American people and present a winning plan and strategy for Iraq and our troops and for the American people. They both deserve this, the troops and the American people.

For the last 3 years, Democrats have stood with our troops and have tried to make certain we did everything we could to help them succeed. From the outset, we offered the administration concrete proposals that would have greatly increased our prospects for success.

We called on the administration to put more troops on the ground, but the administration rejected this call. We fought to provide more body armor and equipment for our troops, but the administration rejected this call. We urged the administration to increase international participation to secure and rebuild Iraq, but the administration rejected this call. We stressed the importance of putting together a plan to win the peace, but the administration rejected this call.

Now, to remind my colleagues, it was not just the advice of Democrats that the administration chose to ignore. It ignored the advice of our senior generals, our friends and allies around the world, teams of weapons inspectors, and even senior officials in the previous Bush administration.

The President and his team also chose to disregard the Powell Doctrine, which holds that military actions should be used only as a last resort where there is a clear risk to national security.

According to this doctrine, if we do choose to fight, we should use overwhelming force, we should ensure that the conflict is strongly supported by the American people, and we should develop a clear exit strategy before we get into the conflict. That is the Powell Doctrine.

Before this administration took office, the Powell Doctrine was supported by the previous two Presidents, our military leaders, and congressional leaders from both sides of the aisle. But this administration turned the Powell Doctrine upside down. They determined that military action should be a first resort, not a last. When the risk to our national security was not clear, they manipulated and cherry-picked intelligence to hype the threat. Instead of using overwhelming force, this administration rejected our senior military leaders' advice and deployed a smaller force. And as we all know, there was not, and is not, an exit strategy to win the peace and bring our troops home.

While we are determined to understand the mistakes this administration made that brought us to this point, we are just as committed to finding a way forward to succeed in Iraq. Every day that goes by, it becomes increasingly clear that the administration's Iraq policy is adrift and rudderless. All they are offering is a bumper-sticker slogan: ''Stay the course.''

''Staying the course'' is not a winning strategy. More than 2,050 soldiers

have died and about 16,000 have been wounded. Iraq now risks becoming what it was not before the war: a haven for international terrorists and, as we saw in Jordan, a new launching pad for terrorist attacks.

In addition, America's taxpayers have already contributed more than $250 billion and are spending an additional $2 billion every week this war continues. In short, our troops deserve more than a slogan. They deserve a real, clear strategy for completing their mission in faraway Iraq.

Our amendment sets forth in the clearest terms the Democrats' view of what the President and the Iraqi people must accomplish to succeed in Iraq and complete our mission.

First, it is time to see a significant transition toward full Iraqi sovereignty with Iraqi forces helping to create the conditions that will eventually lead to the phased redeployment of U.S. Armed Forces. Two thousand six should be a year we take the training wheels off the Iraqi government and let the Iraqi people run their own country.

Second, the administration must tell the Iraqi people, clearly and unambiguously, that U.S. military forces will not stay indefinitely and that Iraqis must achieve a broad-based and sustainable political settlement that is essential for defeating the insurgency.

Third, the President must submit to the Congress and the American people a plan for success in Iraq. The American people deserve to know the conditions we seek to establish, the challenges we face in achieving these conditions, and the progress, if any, being made. As an example, the administration said repeatedly that our forces can stand down as Iraqi forces stand up. The American people deserve to know what that means in real and clear terms. How many capable Iraqi security forces are needed so that we can begin phased redeployment of U.S. forces as our tasks are achieved? How long will it take? Is it no longer acceptable that the President refuses? The answer is yes, it is no longer acceptable not to answer these and many other basic questions about his policy in Iraq. It is not acceptable to this Member of Congress, and it is certainly not acceptable to our troops. Many of those troops are serving their third tour of duty with no apparent end in sight.

With this amendment, Democrats are standing with our troops and the American people, insisting that the President and the Republican-controlled Congress do their jobs. The President must be held accountable and tell our troops and the American people his plan for Iraq and what additional sacrifices will be expected of our troops and the American people. We must honor our troops. We must preserve our national security. We must protect the American people. That is the least we should expect from our Commander in Chief.

I am going to vote for both amendments. Understand that the Democratic amendment and the Republican amendment have the same purpose. It is on both amendments. Purpose: To clarify and recommend changes to the policy of the United States in Iraq and to require reports of matters relating to Iraq. That is the purpose.

Based on what I see here today, the Republicans have no plan and no end in sight. We want to change the course. We can't stay the course. I appreciate, though, the Republicans following the Democrats as far as they have on this amendment. It is a tremendous step forward because we all agree—all 100 Senators, obviously—to clarify and recommend changes in the policy of the United States on Iraq and to require reports on matters relating to Iraq. That is the purpose of both amendments. We stand united. The Democrats stand united. We appreciate the support of the Republicans in this amendment process.

The PRESIDING OFFICER (Mr. COLEMAN). Who yields time?

Mr. WARNER. Mr. President, my understanding is that I have 2 minutes remaining on the 15-minute allocation.

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Given that we have no time to speak of before the amendment of the Senator from South Carolina and Senator LEVIN, I yield my 2 minutes for a matter other than the Iraqi debate, the habeas corpus issue, to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 2524

Mr. SPECTER. I thank the Senator from Virginia.

I just want to alert my colleagues to the fact that the amended Graham amendment, which is the subject of newspaper comment but hasn't been the subject of any hearings, apparently agreed to by Senator LEVIN, or at least with fewer objections, this amendment in its present form is blatant court stripping in the most confusing way possible. The language of the amended Graham amendment says that there will be exclusive jurisdiction in the Court of Appeals for the District of Columbia Circuit.

If it means what it says, the Supreme Court of the United States would not have jurisdiction. This language has not been subjected to any analysis or hearing. An earlier part of the amendment provides that no court, justice, or judge shall have jurisdiction to consider the application for writ of habeas corpus. The Supreme Court of the United States, in three decisions handed down in June of last year, gave very substantial, articulated U.S. constitutional law as giving significant rights to the detainees to have an adjudication as to their status.

We have had many efforts at court stripping. Under the language of exclusive jurisdiction in the DC Circuit, the U.S. Supreme Court would not have jurisdiction to hear the Hamdan case which came into sharp focus because Chief Justice Roberts was on the panel there.

This is a sophisticated, blatant attempt at court stripping. It ought to be rejected, and we ought to have an opportunity to give it some thoughtful analysis before these fundamental changes are made.

I thank my colleague from Virginia.

AMENDMENTS NOS. 2518 AND 2519

Mr. MCCAIN. Mr. President, the Iraq amendment under consideration today constitutes no run-of-the-mill resolution and reporting requirement. It is much more important than that, and likely to be watched closely in Iraq—more closely there, in fact, than in America. In considering this amendment, I urge my colleagues to think hard about the message we send to the Iraqi people. I believe that, after considering how either version will be viewed in Iraq, we must reject both.

Reading through each version, one gets the sense that the Senate's foremost objective is the drawdown of American troops. But America's first goal in Iraq is not to withdraw troops, it is to win the war. All other policy decisions we make should support, and be subordinate to, the successful completion of our mission. If that means we can draw down troop levels and win in Iraq in 2006, that is wonderful. But if success requires an increase in American troop levels in 2006, then we should increase our numbers there.

But that is not what these amendments suggest. They signal that withdrawal, not victory, is foremost in Congress's mind, and suggest that we are more interested in exit than victory. A date is not an exit strategy. This only encourages our enemies, by indicating that the end to American intervention is near, and alienates our friends, who fear an insurgent victory. Instead, both our friends and our enemies need to hear one message: America is committed to success in Iraq and we will win this war.

The Democratic version requires the President to develop a withdrawal plan. Think about this for a moment. Imagine Iraqis, working for the new government, considering whether to join the police forces, or debating whether or not to take up arms. What will they think when they learn that the Democrats are calling for a withdrawal plan? The Republican alternative, while an improvement, indicates that events in 2006 should create the conditions for a redeployment of U.S. forces. Are these the messages we wish to send? Do we wish to respond to the millions who braved bombs and threats to vote, who have put their faith and trust in America and the Iraqi Government, that our No. 1 priority is now bringing our people home? Do we want to tell insurgents that their violence has successfully ground us down, that their horrific acts will, with enough time, be successful? No, we must not send these messages. Our exit strategy in Iraq is not the withdrawal of our troops, it is victory.

If we can reach victory in 2006, that would be wonderful. But should 2006 not be the landmark year that these amendments anticipate, we will have once again unrealistically raised the expectations of the American people. That can only cost domestic support for America's role in this conflict, a war we must win.

I repeat that. This is a war we must win. The benefits of success and the consequences of failure are too profound for us to do otherwise. The road ahead is likely to be long and hard, but America must follow it through to success. While the sponsors of each version of this amendment might argue that their exact language supports this view, perceptions here and in Iraq are critical. By suggesting that withdrawal, rather than victory, is on the minds of America's legislators, we do this great cause a grave disservice.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I wish to speak on leader time.

Shortly, we will be voting on two amendments, one offered by Senators LEVIN and REID, and the other proposed by Senator WARNER and myself.

Our amendment, the Republican amendment, shows leadership, signals our commitment, and reflects an exit strategy we call victory. As Chairman WARNER just said a few moments ago, there are many similarities between the two amendments which reflect a lot of broad agreement that we have on the war, the progress to date, and the way ahead.

Notwithstanding the Democrats' political carping of the last several days, and really the last several weeks, these two amendments that we will be voting on are forward-looking. They don't get into the issues that were debated and decided a long time ago in the last election. They are forward-looking. They don't try to rewrite history of how Members voted, why they voted, or what they supposedly meant at the time they voted when they spoke in support of the war.

There is a lot being made in the media about the requirement of a quarterly report, an update on the war's progress, allegations that this in some way shows dissatisfaction with the administration. That is absurd. It is ridiculous. The fact is that Congress, this body, is charged with oversight of the executive branch regardless of which party is in power at the time. This amendment is a continuation of that oversight. It is not a change in policy. It is a continuation of that oversight that we have been conducting for years in the Senate. That includes whether we are looking at prewar intelligence issues or investigating the Abu Ghraib prison abuses or inquiring about the pace of reconstruction efforts in Iraq.

The Senate has been doing this for years. We are already getting much of the information from the administration, largely at the urging of the Republican leadership.

There is a huge, important difference between the two amendments we will be voting on. That main difference between these amendments is that the Democrats' amendment requires a timeline, a plan for withdrawal of U.S. forces from Iraq. Some have referred to this as the cut-and-run provision; that is, pick an arbitrary timeline and get out of Iraq regardless of what is happening on the ground, regardless of the security situation, regardless of the political developments occurring in Iraq. We believe that is dangerous. We believe that is irresponsible. It is irresponsible to tell the terrorists, who we know are waiting to take us out, what that timeline is because the timeline, once exposed, simply says: All we have to do is wait and then we attack. Then we swoop in to overwhelm Iraq's fledgling democracy, once those troops depart, turning Iraq into a safe haven and base of operations to export terrorism abroad.

That is why cut-and-run is the wrong policy. Such a scenario would play very nicely into the plans that we know al-Qaida has. The recently intercepted letter between Zawahiri and Zarqawi laid out what that terrorists' strategy is, to force the United States out of Iraq and use the media and public opinion against us, to turn Iraq into a safe haven, and from there launch their twisted vision of establishing a radical caliphate throughout the Middle East. They laid it out. A cut-and-run strategy plays right into their hands.

That is why telling the enemy our plans is irresponsible and dangerous. That is why the votes on these amendments in a few moments are so important. It is dangerous for our troops in the region, for our Nation, and for the American people.

Democrats want an exit strategy, thinking cut-and-run. What we are for is a victory strategy. The President of the United States has laid that strategy out clearly in four steps: First, defeat the insurgency using military force while helping Iraq build its own security capability; second, help Iraq rebuild its infrastructure and supporting economy to promote growth and prosperity and hope; third, promote democracy in its institutions through a political process that culminates in an elected government that respects and represents the views of all Iraqis; and fourth, integrate that new Iraq into the international community of civilized nations. Four steps, that is the victory strategy.

We have already seen great progress by the Iraqis on each of these issues. As the President has said, U.S. forces will not stay one day longer than necessary. Our troops will step aside as Iraqi forces stand up. Publishing a timeline for our retreat will encourage the terrorists. It will confuse the Iraqi people. It will play into the hands of the Zawahiri and Zarqawi letter. It will discourage our troops, and it sends all the wrong signals to friends and foes alike in this country and, indeed, around the world.

My colleague from Connecticut, Senator LIEBERMAN, made many of these points a few moments ago and again last night when he so eloquently announced his strong support for the Warner amendment. Yes, 2006 will be a transition year for Iraq. We can celebrate that. With elections in 6 weeks, 2006 will be the year a permanent democratically elected government will finally take power, 31 months after the fall of Saddam Hussein. This government will be guided by its recently approved constitution. On October 15, 10.5 million people came out to ratify that constitution. The government will represent the views and the backgrounds and the beliefs and deeds of all peace-loving Iraqis. That is progress.

With Iraqi security forces now numbering 200,000, and their experience and leadership growing every day, I believe we can continue handing our security responsibilities over to Iraqi forces. I also believe that given the professionalism and courage of our Armed Forces, the commitment of the Iraqi people, and the support of the American people, we can achieve the vision. The vision is crystal clear. It is a free, democratic, and prosperous Iraq that is governed by the rule of law, that protects the rights of all Iraqis, that is not a threat to its neighbors, and is a responsible international citizen.

Mr. President, the Republican amendment is not a change in policy. It is not a change in tone as has been suggested on the floor. Our amendment reflects where this body has always been, supportive of the President and supportive of our troops overseas, forward-looking and optimistic, always conscious of the oversight responsibilities of this institution and our obligation as Senators to the American people. Indeed, I urge all of my colleagues to oppose the Levin amendment and to support the Frist-Warner amendment.

Mr. President, I ask for the yeas and nays.

Mr. REID. I yield my leader time to the Senator from Michigan.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I yield time to the Senator from Michigan. I think I have a minute or 2.

The PRESIDING OFFICER. The Senator has a minute.

The Senator from Michigan.

Mr. LEVIN. Mr. President, the majority leader has railed against language which does not exist in our amendment. Repeating over and over again a cut-and-run strategy is wrong, he tries to create the impression that that is what paragraph 7 proposes. It does not by its own terms. By repeating cutting and running enough I guess the hope is that people who don't read this language will believe that that is the language in paragraph 7. It is not.

What we propose in paragraph 7 is that there be estimated dates, estimated dates if the conditions on the ground are met as the Republican and Democratic amendment both propose occur. Then give us estimated dates for a phased redeployment—estimated dates—if those conditions are met and with the understanding that unexpected contingencies may arise. That cannot be fairly characterized the way the majority leader repeatedly characterized it.

The PRESIDING OFFICER. The Senator has used 1 minute.

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 Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''nay.''

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

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

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—40

Akaka	Durbin	Lincoln
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Harkin	Obama
Bingaman	Inouye	Reed
Boxer	Jeffords	Reid
Byrd	Johnson	Rockefeller
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	
Dorgan	Levin	

NAYS—58

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

NOT VOTING—2

Alexander	Corzine

The amendment (No. 2519) was rejected.

Mr. WARNER. 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.

AMENDMENT NO. 2518

Mr. WARNER. Mr. President, I ask for the yeas and nays on the Warner amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. WARNER. Mr. President, beginning with this vote, all remaining votes will be 10 minutes.

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

Under the previous order, there is 2 minutes equally divided on the Warner amendment on which the yeas and nays have been ordered.

Mr. WARNER. Mr. President, I am very grateful for the bipartisan support on this amendment. Our amendment is simply taking portions of the Levin amendment, putting them into an amendment that we put together, rather than draw up a totally new amendment, so we can have the maximum bipartisanship but carefully crafting the Warner amendment so that not any words can be construed to indicate there is a timetable for the withdrawal of coalition forces, most particularly U.S. forces.

We are on the verge of an historic election in Iraq for a permanent government in a matter of weeks, and thereafter they have 60 days in which to stand up that government. The next 120 days are absolutely critical. The Warner amendment is forward-looking. It clearly sends a message to the Iraqi people that we have stood with them; we have done our part. Now it is time for them to put their government together, stand strong so that eventually they can exercise total sovereignty and select their own form of democracy. We cannot allow any verbiage to come out of the Congress of the United States that can be construed as a timetable of withdrawal at this critical time.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, I intend to vote for the Warner amendment because it represents change, not as much change as we would have liked, and we have debated that and argued that. But there are significant changes that are being proposed in this amendment which we have worked very hard to put in our amendment and we think would represent an improvement. We need to have 2006 be a year of transition. We need to have the administration lay out a strategy. We need to state what our military states, which is that the Iraqis have to solve their political problems and come together and unify if that insurgency is going to be defeated. This amendment continues to say to the administration they need to tell that to the Iraqis.

This amendment also sets up a schedule for conditions that are goals we hope to be achieved on the ground. That ''schedule,'' which is the word that remains in this amendment, is an important schedule that needs to be retained, and it is retained. It needs to be met, and if it is not met, we need to be told what has changed so that it can be met.

I support the Warner amendment as the second-best approach, but it continues to keep the purpose, to clarify and recommend changes to the policy of the United States on Iraq. Keeping that purpose is critical.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired for debate.

The question is on agreeing to the amendment.

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 was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

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

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

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—79

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

NAYS—19

Bunning	Graham	Leahy
Burr	Harkin	McCain
Byrd	Inhofe	Sessions
Chambliss	Isakson	Thune
Coburn	Kennedy	Vitter
Conrad	Kerry	
DeMint	Kyl	

NOT VOTING—2

Alexander	Corzine

The amendment (No. 2518) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2523

Mr. WARNER. Mr. President, may we have order?

I ask the Presiding Officer to once again restate the sequence of votes that are about to take place.

The PRESIDING OFFICER. The Senate will come to order.

The upcoming amendment is the Bingaman amendment to the Graham amendment. The previous order allows 2 minutes of debate.

Mr. WARNER. I thank the Presiding Officer and again remind the Senators the votes are 10 minutes.

The PRESIDING OFFICER. The Senator from Virginia is correct. All votes from here on are 10 minutes.

Mr. WARNER. The time reserved to me under the Bingaman amendment I yield to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, last week we had a debate and vote on whether an enemy combatant terrorist al-Qaida member should be able to have access to our Federal courts under habeas like an American citizen. Senator BINGAMAN is trying to strip that part of the amendment. He is consolidating the habeas petitions into the DC Court of Appeals, but habeas still lies with a standard you can drive a truck through. The court would look at the lawfulness of the detention which would allow, in my opinion, the ability of a terrorist to go into the DC Circuit Court of Appeals and start asking for Internet access under the right of counsel. It is a never-ending process that should never have begun anyway.

I urge a ''no'' vote to make sure the right of appeal is consistent with the law of armed conflict and we do not have unfettered right of court access by enemy combatants to sue us over everything to undermine the war effort. I ask a ''no'' vote consistent with the last vote.

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

The Senator from New Mexico.

Mr. LEAHY. Mr. President, the Senate is not in order. The Senator should be heard.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, last year the Supreme Court said that Federal courts have authority to consider petitions for a writ of habeas corpus. This would apply to prisoners at Guantanamo. People should not be imprisoned without having the ability to challenge the legality of that imprisonment. That is the history of our common law system and our Constitution as well.

I will yield the remainder of my time to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I support the Bingaman amendment and oppose the Graham amendment because the Graham amendment is sophisticated court-stripping. On the face of the Graham amendment, it says the DC Circuit has exclusive jurisdiction, and on the face of it, that even takes away jurisdiction from the Supreme Court of the United States.

To alter habeas corpus in the context where the Supreme Court last June, 2004, found substantial rights of the detainees is court-stripping and would set a very bad precedent, not only for this factual situation but in general.

I thank my colleague from New Mexico.

Mr. KERRY. Mr. President, last week I voted against an amendment introduced by Senator GRAHAM, No. 2515, which stripped the Federal courts of their historic jurisdiction to hear applications for writs of habeas corpus filed by or on behalf of detainees at Guantanamo Bay. I did so because the amendment would have eliminated virtually all judicial review of combatant detentions, including review of the decisions of military tribunals.

Today, I voted in favor of Senator BINGAMAN's amendment No. 2523, because it would have preserved judicial review in the most important areas while also preventing frivolous claims. When the Bingaman amendment failed, I voted for a second-degree amendment No. 2524, which reflected the hard work of Senator LEVIN to provide another means to preserve some form of judicial review of the proceedings at Guantanamo Bay. And, it is my understanding that, as Senator LEVIN stated on the floor of the Senate just yesterday, ''this amendment will not strip courts of jurisdiction over [pending] cases.''

The war on terror presents us with challenges unique in our Nation's history, requiring solutions that are sustainable over the long-term. We have little reason to trust the administration's record on this score. But with these provisions, the Senate declares it is our priority to prosecute the war on terror with every tool at the country's disposal including the rule of law. It remains my priority, and I know the priority of my colleagues, to win this war, to hunt down and destroy terrorists wherever they are, destroy their networks, and make our world safe.

Mr. DURBIN. Mr. President, I support the Bingaman second-degree amendment to the Graham detainee amendment.

The Senator from South Carolina has been a leader on the issue of detention and interrogation policies. I share his goal of setting clear rules for the detention of enemy combatants.

This amendment would do some positive things that I support. It would require the Defense Department to report to Congress on the procedures for determining the status of detainees held at Guantanamo Bay. It would prohibit the Defense Department from determining the status of a detainee based on evidence obtained from torture.

However, I am concerned that one section of the Graham amendment would have very dramatic unintended consequences.

However, subsection (d) of the amendment would eliminate habeas corpus for detainees at Guantanamo Bay. In so doing, it would overturn the Supreme Court's landmark decision in Rasul v. Bush. It would strip federal courts, including the U.S. Supreme Court, of the right to hear any challenge to any practice at Guantanamo Bay, other than a one-time appeal to the D.C. Circuit Court on the limited question of whether the Defense Department is complying with its own rules for classifying detainees. It applies retroactively, and therefore would also likely prevent the Supreme Court from ruling on the merits of the Hamdan case, a pending challenge to the legality of the administration's military commissions.

For these reasons, I am opposed to Senator GRAHAM's amendment.

I will support Senator BINGAMAN's second degree amendment to the Graham amendment. It would preserve the positive elements of the Graham amendment and would strike subsection (d) of the amendment. It would replace subsection (d) with a streamlined judicial review system that would preserve habeas for Guantanamo detainees, consolidate habeas claims in the D.C. Circuit Court, allow claims challenging the legality of detention, and prohibit claims based on ''living conditions,'' e.g. the type of food a person is provided. These restrictions would not apply to people who have been charged by military commissions or who have been determined not to be enemy combatants by a Combatant Status Review Tribunal, CSRT.

The Graham-Levin substitute amendment would somewhat improve the underlying amendment by expanding the scope of review by the D.C. Circuit Court to include whether the CSRT's procedures are legal, but not whether a particular detainee's detention is legal. It would also allow for post-conviction review of military commission convictions. However, the amendment would still eliminate habeas review and overrule the Rasul case. As a result, I will oppose it.

No one questions the fact that the United States has the power to hold battlefield combatants for the duration of an armed conflict. That is a fundamental premise of the law of war.

However, over the objections of then-Secretary of State Colin Powell and military lawyers, the Bush administration has created a new detention policy that goes far beyond the traditional law of war.

The administration claims the right to seize anyone, including an American citizen, anywhere in the world, including in the United States, and to hold him until the end of the war on terrorism, whenever that may be.

They claim that a person detained in the war on terrorism has no legal rights. That means no right to a lawyer, no right to see the evidence against him, and no right to challenge his detention. In fact, the government has argued in court that detainees would have no right to challenge their detentions even if they claimed they were being tortured or summarily executed.

U.S. military lawyers have called this detention system ''a legal black hole.''

Under their new detention policy, people who never raised arms against the United States have reportedly been taken prisoner far from the battlefield, including in places like Bosnia and Thailand.

Defense Secretary Rumsfeld has described the detainees as ''the hardest of the hard core'' and ''among the most dangerous, best trained, vicious killers on the face of the Earth.'' However, the administration now acknowledges that innocent people are held at Guantanamo Bay. In late 2003, the Pentagon reportedly determined that 15 Chinese Muslims held at Guantanamo are not enemy combatants and were mistakenly detained. Almost 2 years later, those individuals remain in Guantanamo Bay.

Last year, in the Rasul decision, the Supreme Court rejected the administration's detention policy. The Court held that detainees at Guantanamo have the right to habeas corpus to challenge their detentions in federal court. The Court held that the detainees' claims that they were detained for years without charge and without access to counsel ''unquestionably describe custody in violation of the Constitution, or laws or treaties of the United States.''

The Graham amendment would protect the Bush administration's detention system from legal challenge. It would effectively overturn the Supreme Court's decision. It would prevent innocent detainees, like the Chinese Muslims, from challenging their detention.

Yesterday, I received a letter from Colonel Dwight Sullivan of the U.S. Marine Corps. Colonel Sullivan is the Chief Defense Counsel in the Office of Military Commissions. He and other military lawyers have gone to court to challenge the legality of the administration's detention policies.

Colonel Sullivan opposes the Graham amendment. In his letter to me, he said:

> I am writing to call your attention to serious errors in the arguments advanced by proponents of Amendment No. 2515 to the FY 2006 DOD Authorization Act that would strip Guantanamo detainees of habeas rights.
>
> In his initial floor speech supporting the Amendment, Senator GRAHAM stated, ''Never in the history of the law of armed conflict has an enemy combatant, irregular component, or POW been given access to civilian court systems to question military authority and control, except here.'' That claim simply is not true. As discussed in greater detail below, the Supreme Court considered habeas petitions filed on behalf of seven of the eight would-be German saboteurs in Ex parte Quirin and on behalf of a Japanese general who was a prisoner of war in In re Yamashita.

Senator GRAHAM stated:

> Here is the one thing I can tell you for sure as a military lawyer. A POW or an enemy combatant facing law of armed conflict charges has not been given the right to habeas corpus for 200 years because our own people in our own military facing court-martials, who could be sentenced to death, do not have the right of habeas corpus.

Again, Senator GRAHAM's argument is factually incorrect. U.S. servicemembers do have a right to challenge court-martial proceedings through habeas petitions, in addition to the direct appeal rights.

Colonel Sullivan is not the only military leader who has raised concerns about the Graham amendment. Yesterday, every member of the Senate received a letter from nine retired military officers, including seven Generals and one Rear Admiral. Here is what they said about the Graham amendment:

> For generations, the United States has stood firm for the rule of law. It is not the rule of law if you only apply it when it is convenient and toss it over the side when it is not.
>
> The Great Writ of Habeas Corpus has been at the heart of U.S. law since the first drafts of the Constitution. Indeed, it has been part of Western culture for 1000 years, since the Magna Carta . . . The restriction on habeas contemplated by Amendment 2516 would be a momentous change. It is certainly not a change in the landscape of U.S. jurisprudence we should tack on to the Defense Department Authorization Bill at the last minute.
>
> The practical effects of Amendment 2516 would be sweeping and negative. America's great strength isn't our economy or natural resources or the essentially island nature of our geography. It is our mission, and what we stand for. That's why other nations look to us for leadership and follow our lead. Every step we take that dims that bright, shining light diminishes our role as a world leader. As we limit the rights of human beings, even those of the enemy, we become more like the enemy. That makes us weaker and imperils our valiant troops. We are proud to be Americans. This Amendment, well intentioned as it may be, will diminish us.

These American patriots, who served our country for decades, say it better than I ever could. This is not about giving rights to suspected terrorists. It is about American values. Secret indefinite detention is not the American way. Eliminating habeas corpus is not the American way. I urge my colleagues to support the Bingaman second-degree amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. Is there a sufficient second? There is 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 was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''no.''

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. 324 Leg.]

YEAS—44

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

NAYS—54

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

NOT VOTING—2

Alexander	Corzine

The amendment was rejected.

Mr. GRAHAM. 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.

AMENDMENT NO. 2524 TO AMENDMENT NO. 2515

The PRESIDING OFFICER. Under the previous order, there is 2 minutes equally divided on the Graham amendment to the Graham amendment.

Mr. GRAHAM. Mr. President, I ask unanimous consent for an additional minute to set the record straight.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, reserving the right to object, is the Senator from South Carolina asking for a second minute for each side?

Mr. GRAHAM. That would be fine. I would like an extra minute. Senator KERRY gave me some very good advice, and I will take it if I am given the time.

The PRESIDING OFFICER. Is there objection to 4 minutes equally divided?

Mr. SPECTER. No objection.

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

Mr. GRAHAM. Mr. President, this is a serious and very important vote. During the debate last week, I made a statement about what rights our troops would have. Our troops, once they are charged under the Uniform Code of Military Justice, get appeal rights under the military system, and they do have habeas rights about their criminal misconduct.

What I am trying to say—I got it wrong—is when our troops are enemy prisoners there is no right to appeal to

the civil courts wherever they may be, nor has there ever been a right for an enemy prisoner to go to our court. Senator KERRY gave me some good advice. I misstated, and I am sorry. But the concept of an enemy prisoner or enemy combatant not having access to civilian courts has been the tradition of 200 years. We are about to end this whole endeavor on a high note. I thank Senator KYL for being a very constructive finder of solutions, and I thank Senator LEVIN for going that extra mile to find a way we can leave this issue with honor.

This Levin-Graham-Kyl amendment allows every detainee under our control to have their day in court. They are allowed to appeal their convictions, if they are tried by military commissions—a model that goes back for decades to the Federal courts of this country, if they get a sentence of 10 years or the death penalty.

We are going to have court review. An enemy combatant will not be left at Guantanamo without a court looking at whether they are properly characterized. We are doing it in a way consistent with the law of armed conflict, in an orderly way.

I am proud that we are because this is a war of values. We can win this war without sacrificing our values, and part of our values is due process, even for the worst among us.

I thank Senator LEVIN very much. Senator SPECTER's stated that the Circuit Court of Appeals of the District of Columbia is the primary court to hear these cases, but the Supreme Court can receive a certiorari petition from that court.

The PRESIDING OFFICER. Is there a Senator seeking time in opposition?

Mr. SPECTER. Mr. President, when the Senator from South Carolina says the Supreme Court of the United States can take certiorari, it is at variance with the plain language of the statute. The statute says:

> The United States Court of Appeals for the District of Columbia shall have exclusive jurisdiction.

Mr. GRAHAM. Mr. President, will the Senator yield?

Mr. SPECTER. No. It means what it says.

I can't yield having only 2 minutes, but I would be glad to hear the Senator afterwards.

It means what it says—the Supreme Court has no jurisdiction.

The great difficulty with the Graham-Levin amendment is that it was worked out yesterday—sort of an affront to the Judiciary Committee, if I may say so—that there is no time for the Judiciary Committee to have a hearing on the matter to consider it.

We are dealing with very fundamental rights, habeas corpus.

Another provision of the Graham-Levin amendment says there shall be no habeas corpus jurisdiction.

There have been repeated efforts in the history of our country to take away the jurisdiction of the courts. Court stripping was a big issue in the confirmation process of Chief Justice Roberts. He ran from it like the plague. He had an early memo. He didn't want to be associated with it.

These are weighty and momentous considerations that go far beyond the detainees at Guantanamo. And we ought not to be deciding these questions on an amendment, which was agreed to yesterday between Senator GRAHAM and Senator LEVIN, and no one has had a chance to study or analyze—most of all the authors—which on the face takes away jurisdiction of the Supreme Court of the United States. It is untenable and unthinkable and ought to be rejected.

Mr. LEAHY. Mr. President, I commend my colleagues across the aisle who are attempting to address the treatment of detainees in U.S. custody, despite resistance from members of their own party and the strong opposition of the White House. I know Senator GRAHAM has worked closely with Senator MCCAIN and others to give our troops the clear guidance they need to effectively detain and interrogate enemy prisoners, and I commend him for that. The legislative branch has not met its obligation of oversight and policymaking in this area. For months, Senator GRAHAM has been prodding the Congress to take action. He is one of the few members of his party to forcefully speak out on the need to change the administration's policies.

While I support Senator GRAHAM's efforts on these issues, I cannot support his amendment to strip Federal courts of the authority to consider a habeas petition from detainees being held in U.S. custody as enemy combatants.

The Graham amendment would deny prisoners who the administration claims are unlawful combatants the right to challenge their detention. At no time in the history of this Nation have habeas rights been permanently cut off from a group of prisoners. Even President Lincoln's suspension of habeas was temporary. The Supreme Court has held numerous times that enemy combatants can challenge their detention.

Many of my colleagues across the aisle argue that terrorists do not deserve access to our Federal courts. This argument would be far more persuasive if all of the detainees at Guantanamo Bay were terrorists. Unfortunately, many of them are almost certainly not. Numerous press accounts have quoted unnamed officials who believe that a significant percentage of those detained at Guantanamo do not have a connection to terrorism. And yet they have been held for years without the right to challenge their detention in a fair and impartial hearing, a situation that does significant harm to our Nation's reputation as a leader in human rights and which puts our own soldiers at risk.

Filing a writ of habeas corpus is often the detainee's only opportunity to openly challenge the basis for his detention. Providing detainees this right is not about coddling terrorists—it is about showing the world that we are a nation of laws and that we are willing to uphold the values that we urge other nations to follow. It is about honoring and respecting the principles that are part of our heritage as Americans and that have been a beacon to the rest of the world. Allowing a detainee to file a habeas petition provides legitimacy to our detention system and quells speculation that we are holding innocent people in secret prisons without any right to due process.

Some Members of the Senate have argued that these prisoners should be tried in the military justice system. I think that we could all agree on such a course if the administration had worked with Congress from the start and established with our approval procedures that are fair and consistent with our tradition of military justice. I introduced a bill in the 107th Congress to do just that. So did Senator SPECTER. The fact is, that the system that has been established by the administration to try individuals held at Guantanamo is not a system that reflects our values. It does not give due process or independent review.

Everyone in Congress agrees that we must capture and detain terrorist suspects, but it can and should be done in accord with the laws of war and in a manner that upholds our commitment to the rule of law. The Judiciary Committee held a hearing on detainee issues in June. At that hearing, Senator GRAHAM said that once enemy combatant status has been conferred upon someone, ''it is almost impossible not to envision that some form of prosecution would follow.'' He continued, ''We can do this and be a rule of law nation. We can prove to the world that even among the worst people in the world, the rule of law is not an inconsistent concept.'' I agree with Senator GRAHAM, but I strongly believe that in order to uphold our commitment to the rule of law, we must allow detainees the right to challenge their detention in Federal court.

As Chairman SPECTER noted on the floor last week, there are existing procedures under habeas corpus that have been upheld by the Supreme Court that do not invite frivolous claims, and that are appropriate. Senator GRAHAM's amendment would not only restrict habeas in a manner never done before in our Nation, but, as the chairman of the Judiciary Committee said last week, it would open a Pandora's box.

The chairman is right. He spoke forcefully again this morning about the danger of such court stripping efforts. We must not rush to change a legal right that predates our Constitution. Creating one exemption to the ''great writ'' only invites more. The Judiciary Committee has jurisdiction over habeas corpus and it should have the first opportunity to review any proposed changed carefully and thoroughly. Although congressional action on the

issue of foreign detainees is long overdue, we must not act hastily when the ''great writ''—something that protects us all—is at stake.

I ask unanimous consent to have printed in the RECORD a letter from the deans of four of our Nation's most prestigious law schools that articulates the dangers of adopting the Graham amendment.

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

NOVEMBER 14, 2005.

DEAR SENATOR LEAHY: We write to urge that the Senate adopt the amendment of Senator Bingaman removing the court-stripping provisions of the Graham Amendment to the Department of Defense authorization bill. As professors of law who serve as deans of American law schools, we believe that immunizing the executive branch from review of its treatment of persons held at the U.S. Naval Base at Guantánamo strikes at the heart of the idea of the rule of law and establishes a precedent we would not want other nations to emulate.

At the Guantánamo Naval Base, the Government has subjected foreign nationals believed to be linked to Al Qaeda to long-term detention and has established military commissions to try a small number of the detainees for war crimes. It is entirely clear that one of the Executive Branch's motivations for detaining noncitizens at Guantánamo was to put their treatment beyond the examination of American courts.

The Supreme Court rejected the Government's claim in Rasul v. Bush that federal habeas corpus review did not extend to Guantánamo. The extent of the rights protected by federal habeas law is now before the Federal Court of Appeals for the D.C. Circuit. Another challenge has been filed to the authority of the President, acting without congressional authorization, to convene military commissions at Guantánamo. Just last week the Supreme Court announced that it would review the case, Hamdan v. Rumsfeld.

The Graham Amendment would attempt to stop both of these cases from proceeding and would unwisely interrupt judicial processes in midcourse. Respect for the constitutional principle of separation of powers should counsel against such legislative interference in the ongoing work of the Supreme Court and independent judges.

Unfortunately, the Graham Amendment would do much more. With a minor exception, the legislation would prohibit challenges to detention practices, treatment of prisoners, adjudications of their guilt and their punishment.

To put this most pointedly, were the Graham Amendment to become law, a person suspected of being a member of Al Qaeda could be arrested, transferred to Guantánamo, detained indefinitely (provided that proper procedures had been followed in deciding that the person is an ''enemy combatant''), subjected to inhumane treatment, tried before a military commission and sentenced to death without any express authorization from Congress and without review by any independent federal court. The American form of government was established precisely to prevent this kind of unreviewable exercise of power over the lives of individuals.

We do not object to the Graham Amendment's procedural requirements for determining whether or not a detainee is an enemy combatant and providing for limited judicial review of such decisions. This kind of congressional structuring of the detention of military prisoners is long overdue, and it highlights the absence of congressional regulation of standards of detainee treatment and the establishment of military commissions. Curiously, the Graham Amendment recognizes the need for judicial review of the determination of enemy combatant status, but then purports to bar judicial review of far more momentous commission rulings regarding determinations of guilt and imposition of punishment.

We cannot imagine a more inappropriate moment to remove scrutiny of Executive Branch treatment of noncitizen detainees. We are all aware of serious and disturbing reports of secret overseas prisons, extraordinary renditions, and the abuse of prisoners in Guantánamo, Iraq and Afghanistan. The Graham Amendment will simply reinforce the public perception that Congress approves Executive Branch decisions to act beyond the reach of law. As such, it undermines two core elements of the rule of law: congressionally sanctioned rules that limit and guide the exercise of Executive power and judicial review to ensure that those rules have in fact been honored.

When dictatorships have passed laws stripping their courts of power to review executive detention or punishment of prisoners, our government has rightly challenged such acts as fundamentally lawless. The same standard should apply to our own government. We urge you to vote to remove the court-stripping provisions of the Graham Amendment from the pending legislation.

T. ALEXANDER ALEINIKOFF,
Dean, Georgetown University Law Center.

ELENA KAGAN,
Dean and Charles Hamilton Houston Professor of Law, Harvard Law School.

HAROLD HONGJU KOH,
Dean and Gerard C. & Bernice Latrobe Smith Professor of International Law, Yale Law School.

LARRY KRAMER,
Dean and Richard E. Lang Professor of Law, Stanford Law School.

Mr. LEVIN. Mr. President, the Graham amendment, which the Senate approved last Thursday, includes a prohibition on Federal courts having jurisdiction to hear habeas petitions brought by aliens outside the United States who are detained by the Defense Department at Guantanamo Bay, Cuba.

The Graham-Levin-Kyl amendment would make three significant improvements to the underlying Graham amendment.

The habeas prohibition in the Graham amendment applied retroactively to all pending cases—this would have the effect of stripping the Federal courts, including the Supreme Court, of jurisdiction over all pending case, including the Hamdan case.

The Graham-Levin-Kyl amendment would not apply the habeas prohibition in paragraph (1) to pending cases. So, although the amendment would change the substantive law applicable to pending cases, it would not strip the courts of jurisdiction to hear them.

Under the Graham-Levin-Kyl amendment, the habeas prohibition would take effect on the date of enactment of the legislation. Thus, this prohibition would apply only to new habeas cases filed after the date of enactment.

The approach in this amendment preserves comity between the judiciary and legislative branches. It avoids repeating the unfortunate precedent in Ex parte McCardle, in which Congress intervened to strip the Supreme Court of jurisdiction over a case which was pending before that Court.

The Graham amendment would provide for direct judicial review only of status determinations by combat status review tribunals, not to convictions by military commissions.

The Graham-Levin-Kyl amendment would provide for direct judicial review of both status determinations by CSRTs and convictions by military commissions. The amendment does not affirmatively authorize either CSRTs or military commissions; instead, it establishes a judicial procedure for determining the constitutionality of such processes.

The Graham amendment would provide only for review of whether a tribunal complied with its own standards and procedures.

The Graham-Levin-Kyl amendment would authorize courts to determine whether tribunals and commissions applied the correct standards, and whether the application of those standards and procedures is consistent with the Constitution and laws of the United States.

This amendment is not an authorization of the particular procedures for the military commissions; rather it is intended to set a standard—consistent with our Constitution and laws—with which any procedures for the military commissions must conform.

Mr. REID. Mr. President, in a series of votes last Thursday and today, the Senate has voted to deny the availability of habeas corpus to individuals held by the United States at Guantanamo Bay, Cuba. I rise to explain my vote against the Graham amendment last week, and my votes in favor of the Bingaman amendment and the Graham-Levin amendment earlier today.

First, let's put the whole issue of the rights of suspected terrorists in context. As Senator MCCAIN said over the weekend, terrorists are ''the quintessence of evil. But it's not about them; it's about us.'' This debate is about respect for human rights and adherence to the rule of law. It is about the continued moral authority of this Nation.

For the past four years, the Bush administration has advocated a policy of detaining suspects indefinitely and largely in secret, without access to meaningful judicial oversight. This policy is inconsistent with our core

values as Americans. In addition, a policy so inconsistent with human rights will further damage America's image abroad and provide more ammunition for those who wish to do us harm.

The writ of habeas corpus is one of the pillars of the Anglo-American legal system. It is the mechanism by which people who are held by the government can seek an independent review of the legality of their detention. Very often the people who rely on habeas corpus are unpopular, whether they are convicted criminals or suspected terrorists. But habeas corpus protects all of us—it is the way we ensure that the executive branch acts within the bounds of the law.

The amendment offered by Senator GRAHAM last week created an exception to the habeas corpus rights established in title 28 of the United States Code. It contained a separate, essentially hollow review of whether the Defense Department had complied with its own procedures in declaring someone an enemy combatant. In a practical sense, the amendment put the actions of U.S. officials with respect to the Guantanamo detainees beyond the reach of the law, and created a legal no-man's land. I opposed the Graham amendment for this reason.

Nobody thinks that detainees should be able to file habeas petitions about what kind of peanut butter they are served or whether they can watch DVDs. That is not what this is about. This is about whether we are going to permit the President to detain a human being indefinitely without independent judicial review.

I want to draw the attention of my colleagues to an op-ed published in the Washington Post yesterday by one of the pro bono lawyers for the Guantanamo Bay detainees. The lawyer describes the importance of habeas review for his client, who remains in jail despite the military's determination that his client was innocent and was not associated with al-Qaida or the Taliban.

The writ of habeas corpus is for people like this. It is for figuring out whether those held at Guantanamo are in fact terrorists—and whether they are held lawfully and in accordance with the requirements of the Constitution.

In addition, the Senate recently passed, by a vote of 90 to 9, the McCain amendment to prohibit the use of torture at Guantanamo and elsewhere. The Graham amendment would undermine this prohibition by preventing its enforcement by the Federal courts. The Federal courts exist to vindicate important rights. In general, this jurisdiction-stripping amendment would trample on the independence of the judiciary and violate principles of separation of powers.

Today the Senate voted on two amendments to improve the Graham amendment. I supported the Bingaman amendment, because it would have preserved the fundamental right of habeas corpus, while at the same time streamlining judicial review of Guantanamo cases and ensuring that only the most serious cases are before the Federal courts. I applaud the Senator from New Mexico for his defense of habeas corpus and I regret that his amendment did not pass.

I also voted in favor of the Graham-Levin amendment because it is an improvement over the original Graham amendment, which, as the vote last week demonstrated, would have passed the Senate with or without improvements. Importantly, the Graham-Levin amendment would allow courts to consider whether the standards and procedures used by the Combatant Status Review Tribunals are consistent with the Constitution and U.S. laws, and would allow for court review of the actions of military commissions.

As a supporter of the Graham-Levin amendment, let me state my understanding of several important issues. First, I agree with Senator LEVIN that his amendment does not divest the Supreme Court of jurisdiction to hear the pending case of Hamdan v. Rumsfeld. I believe the effective date provision of the amendment is properly understood to leave pending Supreme Court cases unaffected. It would be highly irregular for the Congress to interfere in the work of the Supreme Court in this fashion, and the amendment should not be read to do so.

Second, I do not understand this legislation to represent a congressional authorization of the military commissions unilaterally established by the executive branch at Guantanamo Bay. We would hardly authorize these commissions based upon a few hours of floor debate. Instead, I regard this legislation as establishing a process for the federal courts to review the constitutionality of the commissions. To the extent that question turns on whether Congress has authorized or recognized the commissions, nothing we have done today lends support to the argument that the commissions are a valid exercise of executive authority.

Third, Senator SPECTER raised the question of whether the grant of ''exclusive jurisdiction'' to the DC Circuit precludes Supreme Court review of the DC Circuit's final orders in these cases. I do not understand the amendment to strip the Supreme Court of such appellate jurisdiction. Congress often grants ''exclusive jurisdiction'' to one court or another, but that phrase is not understood to preclude appeals through the usual means.

Finally, there may be questions about what Congress meant when it directs the courts to review ''whether subjecting an alien enemy combatant to such standards and procedures is consistent with the Constitution and laws of the United States.'' In my view, the Federal court should hear any factual or legal challenge by a detainee who contests being classified as an enemy combatant in the first place.

Even after adoption of the Graham-Levin amendment, the underlying Graham amendment still strips the courts of jurisdiction to hear habeas corpus petitions. For this reason, I oppose the final Graham amendment as amended. I hope it is either improved in conference or deleted altogether.

But even if the Graham amendment is enacted into law, the Judiciary Committee should hold hearings to define the rights of the detainees at Guantanamo with greater care and to develop sensible procedures for enforcing those rights. It is of the utmost importance that this Congress work to preserve the principles of human rights and the rule of law upon which this Nation was founded.

The PRESIDING OFFICER. The question is on the Graham amendment.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

The bill clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

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 84, nays 14, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—84

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

NAYS—14

Baucus	Durbin	Leahy
Biden	Feingold	Rockefeller
Bingaman	Harkin	Sarbanes
Byrd	Kennedy	Specter
Dayton	Lautenberg	

NOT VOTING—2

Alexander	Corzine

The amendment (No. 2524) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2515, AS AMENDED

Mr. WARNER. Mr. President, we now turn to the underlying amendment. It is my understanding the Senator from South Carolina has agreed to a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2515, as amended.

The amendment (No. 2515), as amended, was agreed to.

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ORDER FOR RECESS

Mr. REID. Mr. President, I ask unanimous consent that the time for the recess, which is already part of the order of the Senate, be extended until 2:30. I am sure both caucuses have a lot of work to do, and we could convene at 2:30.

Mr. MCCONNELL. Reserving the right to object, if we could just withhold for a moment and discuss it.

Mr. REID. Of course.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. 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, I presume, now that the quorum call has been withdrawn, that under the unanimous consent agreement, the Senate may now move to third reading of the bill.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I appreciate very much the chairman of the subcommittee and the ranking member, Senators SHELBY and MIKULSKI, for being understanding. I ask unanimous consent that the recess be extended until 2:30.

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

The majority leader is recognized.

Mr. FRIST. Mr. President, I think it is a reasonable request by the Democratic leader so we can get on with this vote and go to our caucuses. The reason there was an initial objection to it was because Senator SHELBY, chairman of the committee, had something he had to move. But we will work it out and start at 2:30. We will have plenty of time for our caucus lunch.

IRAQI MILITARY EQUIPMENT

Mr. DODD. Mr. President, it is in our Nation's interest and in our own troops' interests to ensure that Iraqi security forces, fighting side by side with America's soldiers and marines, are well-trained and well-equipped. As the chairman of the Armed Services Committee has indicated, our capacity to transfer security responsibilities to the Iraqis will chiefly rely on one thing—the ability of Iraqi forces to stand up and assume control over their nation's security.

To successfully complete the mission in Iraq and to bring our troops home as quickly as possible, we need to ensure that lraq's soldiers and policemen have the capacity to assume control over their nation's security and law enforcement. And in the immediate term, as our troops deploy on patrol with their Iraqi partners, they need to know that they can rely on Iraqi forces to shoulder their share of combat operations.

Achieving this goal is not only a matter of training Iraq's soldiers and policemen. We need to also ensure that they are adequately equipped to perform their missions safely and effectively. Last week, the New York Times reported on the difficulties Iraqi troops are facing in procuring inadequate armor and safety gear. According to that article, the biggest shortage is in fortified vehicles. Tragically, Iraqis are being required to patrol the same roads and marketplaces that are besieged on a daily basis by improvised explosive devices and suicide bombers without any armored protection or heavy vehicles. With several hundred Iraqis operating in military vehicles, only three dozen such vehicles are outfitted with protective armor. We need to do better than that if we expect Iraqi troops to have even a fighting chance. But at the same time, we also need to recognize that the needs of our own troops are of paramount concern. That is why, with the chairman's support, I offered an amendment to reimburse troops for protective gear that they purchased; why we have supported rapidly fielding increasingly more armored protection to U.S. soldiers, sailors, airmen, and marines deployed in Iraq and Afghanistan; why the Senate supported the chairman's amendment last July to add an additional 1,800 up-armored HMMWVs for the U.S. Marines Corps; and why, yesterday on the bill, we voted to add an additional $360 million for even more armored vehicles.

Members of this body have few higher priorities than the safety and well-being of our troops deployed in harm's way. And there is no greater champion of the American GI than the current chairman of the Armed Services Committee. Therefore, I am sure that he would agree that the best way we can safeguard the safety and security of our troops is to ensure that U.S. forces can complete their mission and return home as soon as possible. Doing so will require well-equipped as well as well-trained Iraqi forces to take over from U.S. forces the responsibilities for maintaining peace and order through Iraq.

Mr. WARNER. I thank the Senator from Connecticut. He has raised a significant concern that we both, and many others in this body, share. There is no question we must continue to provide our magnificent soldiers, sailors, airmen, and marines with the finest equipment available to meet the mission requirements in Iraq and elsewhere around the world. In Iraq, there is no doubt that efforts to train and equip Iraqi Security Forces are decisive to Iraq's future and a major element in the policy of the United States. Lieutenant General Petraeus performed masterfully as Commander of the Multi-National Security Transition Command in Iraq that was charged with training the Iraqi Security Forces and now Lieutenant General Dempsey has the reins on this mission. During the most recent elections in Iraq, the performance of Iraqi Security Forces was an important contributor to that success. The Iraqi Security Forces provided protection to more than 6,000 polling sites. That was a very positive step in the right direction, but we still have some way to go in training and equipping the Iraqi Security Forces. As chairman of the Senate Armed Services Committee, I am monitoring the readiness of these Iraqi units. The viability of Iraqi units must be measured by a series of indicators, including efforts to measure intangibles such as morale and unit cohesion, as well as quantifying the military training of Iraqi Security Forces and the distribution of weapons and equipment. As the Senator from Connecticut indicated, the quality of the weapons and equipment we provide to the Iraqis must be of the caliber that contributes to the discipline, confidence, and morale of the Iraqis we are training. It is in the best interest of all that we move quickly to equip the Iraqi Security Forces with the proper equipment. We cannot ask the Iraqi Security Forces to conduct patrols or engage in battle in pickup trucks and SUVs while the embedded American forces are in up-armored HMMWVs and Bradley Fighting Vehicles. I am prepared to work with my colleague and the Secretary of Defense to provide suitable equipment for the Iraqi Security Forces. I am also prepared to work with other elements of the administration to engage our Allies and partners in this effort. I, for one, do not believe we have time to build and then rebuild the Iraqi Security Forces.

Mr. DODD. I thank the chairman for his statement and applaud his commitment to improving the availability of suitable equipment to the Iraqi Security Forces. As I said before, I share his belief that our first obligation is to the safety and well-being of our men and women deployed in harm's way. In that same token, I also appreciate his assertion that ensuring Iraqi troops have the equipment they need is in the security interest of our Nation and our

troops. I urge the administration to—make available to the Iraqis adequate force protection equipment as soon as possible to allow them to take the lead in Iraq, and, ultimately, operate independently in securing their own country.

As American forces upgrade their own armor and safety equipment, perhaps the Departments of Defense and State will consider making available to Iraqi forces some of the older equipment of the United States, to allow Iraqis the ability to operate side by side with American forces. As U.S. forces upgrade their armored vehicles in Iraq, from what is called Level One protection to the more advanced Level Two protection, we might wish to consider distributing these older vehicles to Iraqi forces. And perhaps, when American forces eventually withdraw from Iraq, the United States would further consider leaving their older Level One armored fleet for use by the Iraqis. Another option might be to seek out other non-U.S. sources of armored vehicles to replace the substandard equipment that the Iraqis are currently using.

The sooner we can properly train and equip these Iraqi police and military units, the sooner we can get our troops home safe and secure. And that must be our principal objective in completing Operation Iraqi Freedom.

I thank the Chairman for engaging in this colloquy.

Mr. OBAMA. Mr. President, I rise today to thank my colleagues, the senior Senator from Virginia and the Senior Senator from Michigan, for their hard work in getting the fiscal year 2006 Defense authorization bill to the floor and for including in the bill two amendments I offered. These amendments will directly affect the quality of health care we provide our Nation's armed forces.

As many of you know, the Department of Veterans Affairs, VA, has created one of the most effective electronic medical records systems in the Nation. Despite a number of problems at the VA—from funding shortfalls to delayed benefits—the electronic medical records system is one of the VA's great successes and serves as a national model. Unfortunately, the Department of Defense, DOD, has not created a similar system for members of the military.

Despite a significant expenditure of time and money, the Department of Defense appears to be far from completion of its system, the Composite Health Care System II, CHCS II. Consequently, we have soldiers who have honorably served their country leaving the military and entering the VA system, and yet there is no easy way to transfer their medical records to the new health care system. This lack of compatibility results in severe inefficiencies and delayed benefits for our veterans. This is a problem that the national veterans' service organizations have highlighted over the years, but despite their efforts, the Department of Defense is still lagging behind the VA.

The Government Accountability Office, in a report released last year, found that one of the primary reasons for the Defense Department's severe delays in producing a compatible medical records system is the lack of strong oversight of the process. My amendment is an effort to implement some oversight. Pursuant to my amendment, 6 months after enactment of the bill, the DOD would be required to report to Congress on the progress being made on the development of the CHCS II system, the timeframe for implementation of the system, a cost estimate for completion of the system, and a description of the management structure used in the development of the system.

I also want to thank Senators LEVIN and WARNER for accepting my amendment requiring that DOD report to the Senate and House Armed Services Committees about its pandemic flu preparedness activities. When pandemic flu strikes, many of our military and civilian personnel will be at high risk for infection, particularly those deployed in Asia where avian flu poses the greatest current risk; military and civilian personnel in this country also will likely be involved in domestic response activities in the event of a pandemic. Our Nation's security is contingent on a healthy military, and we must ensure that these members will be protected.

It is Congress's duty to oversee the delivery of health care to our Nation's soldiers, and these amendments will help in our efforts to exercise this oversight. I hope to work with the conferees on this authorization bill to retain these provisions in conference.

Mrs. CLINTON. Mr. President, the Senate today is considering the Department of Defense authorization bill for the 2006 fiscal year. As a member of the Senate Armed Services Committee, I have attended numerous hearings and participated in the markup of this legislation. And I want to commend the chairman of the Senate Armed Services Committee, Senator WARNER, and the ranking member, Senator LEVIN, for the serious, bipartisan approach they have taken in preparing this bill for consideration on the Senate floor.

I just returned from an International Rule of Law symposium focusing on the need to create an international rule of law movement. As we talk today about providing our troops with the support they need to serve our Nation, it is also important to recognize that we should be doing all we can to make sure that we are not tarnishing their service. As we promote the rule of law in other societies, we need to begin by recognizing that the United States has a special heritage and a special responsibility—a responsibility not to be perfect, for that is impossible, but to admit our mistakes and use the rule of law to mend them, not to cover them up. When we fail that standard, we harm the ideals we most seek to promote—and undermine the foundations of our own society and our influence around the world.

That is why it is so important that we send a clear signal that the mistreatment of prisoners under our control was a mistake that will not happen again. Our commitment to the rule of law demands it. The men and women who signed up to defend our country, not to defend accusations of torture, deserve it.

It is very unclear whether any good information ever comes from torture—many experienced intelligence officers say no. But it is crystal clear that the bad consequences of this high-level political decision will haunt us for years—in how hostile armies treat our soldiers; how foreign governments judge our trustworthiness; and how foreign citizens respond to our best shared values, like faith in the rule of law.

This DOD authorization bill is critically important, particularly with our service men and women serving bravely in Iraq, Afghanistan, and around the world. We owe it to our men and women in uniform to do everything we can to support them.

Back when we first considered the DOD authorization bill in July, the Senate accepted an amendment Senator GRAHAM and I offered to make Tricare available to all National Guard members and reservists.

This week, the Senate has accepted another amendment I offered—this one with Senator COLLINS—that will improve financial education for our soldiers. This is a problem that has plagued military service men and women for years: a lack of general knowledge about the insurance and other financial services available to them.

This amendment instructs the Secretary of Defense to carry out a comprehensive education program for military members regarding public and private financial services, including life insurance and the marketing practices of these services, available to them. This education will be institutionalized in the initial and recurring training for members of the military. This is important so that we don't just make an instantaneous improvement, but a truly lasting benefit to members of the military.

This amendment also requires that counseling services on these issues be made available, upon request, to members and their spouses. I think it is very important to include the spouses in this program, because we all know that investment decisions should be made as a family. Too many times, a military spouse has to make these decisions alone, while their husband or wife is deployed.

This amendment requires that during counseling of members or spouses regarding life insurance, counselors must include information on the availability of Servicemembers' Group Life Insurance, SGLI, as well as other available

products. It requires that any junior enlisted member—those in the grades of E1–E4—that they must provide confirmation that they have received counseling before entering into any new contract with a private sector life insurer. It is my expectation that this will help prevent our young troops from being taken advantage of by unscrupulous insurance companies.

I am proud my fellow Senators support this legislation and I look forward to working hard during conference to ensure its incorporation in the final bill put before the President.

Today, I would also like to speak about several issues that, while unlikely to be brought up as amendments to this bill, we will have to seriously consider during conference.

The first is the extremely important issue of the role of women in combat. In the House Armed Services Subcommittee markup of the Defense bill, a provision was inserted that would have turned back the clock on the roles that women play in our military. The uproar over this provision from the public and from the Pentagon was strong. General Cody, the Vice Chief of Staff of the Army, wrote a letter to the House Armed Services Committee explaining that such a provision would disrupt our forces serving overseas. The House Armed Services Committee withdrew the offending provision and instead included a provision to codify the Pentagon's 1994 policy regarding women in combat. I am uncertain that this policy needs to be codified and will be looking at this language closely in conference.

Because of the House's efforts to restrict the role of women, I want to take a few minutes to recognize the enormous contributions that women have made and continue to make to our military.

Women have a long history of proud service in our Armed Forces. Women have served on the battlefield as far back as the American Revolution, where they served as nurses, water bearers, cooks, laundresses, and saboteurs. Since that time, opportunities have increased, especially since 1948 when the Women's Armed Services Integration Act of 1948 was passed.

More than 200,000 women currently serve, making up approximately 17 percent of the total force. Thousands of women are currently serving bravely in Iraq, Afghanistan, and elsewhere. During my own visits to Iraq—and as I am sure that many of my colleagues who have also visited Iraq can also attest—I witnessed women performing a wide range of tasks in a dangerous environment. In Iraq, the old distinctions between the front lines and the rear are being blurred, and women are ably shouldering many of the same risks as men. And when I have met with women soldiers in Iraq and Afghanistan, they have not complained that they are being placed in harm's way. To the contrary, they have expressed pride in being able to contribute to the mission.

At a time when our Armed Forces are struggling to meet recruiting and retention goals, it makes no sense to further restrict the role of our women in uniform. Doing so would only add to the strain on our Armed Forces and undermine the morale of our service members.

Since September 11, our Armed Forces have stretched to meet new and growing needs. It is essential that we fully utilize and retain personnel. Women in uniform have increasingly served in the line of fire, performing honorably and courageously in service to our country. Over 100,000 women have been deployed in support of military operations since September 11. Imagine the strain that our forces would suffer if many of these women were suddenly deemed ineligible to serve in their current roles.

Our soldiers, both men and women, volunteered to serve their Nation. They are performing magnificently. There should be no change to existing policies that would decrease the roles or positions available to women in the Armed Forces. Earlier this year, I introduced, along with several of my colleagues, a sense-of-the-Senate resolution stating that there should be no change to existing laws, policies or regulations that would decrease the roles or positions available to women in the Armed forces.

As we approach the conference, I will oppose any efforts that would send a negative signal to women currently serving and I hope my colleagues will join me in preserving the ability of women to fully serve their country.

As we talk about honoring those who serve, I would also like to draw the attention of my colleagues to another piece of legislation that I have introduced in the Senate, the Cold War Medal Act of 2005.

It is important that we remember and honor the contributions of all veterans, from our World War II veterans to those just returning from Iraq. It is especially important that we not forget those who served during the Cold War, a decades-long struggle that, even in the absence of a formal declaration of hostilities, was for nothing less than the future of the world.

Our victory in the Cold War was made possible by the willingness of millions of Americans in uniform to stand prepared against the threat from behind the Iron Curtain.

That is why I have introduced legislation, S. 1351, the Cold War Medal Act of 2005, to create a military service medal to members of the Armed Forces who served honorably during the Cold War.

This is the companion bill to legislation that was introduced on the House side by Congressman ANDREWS. This legislation would establish a Cold War Medal for those who served at least 180 days from September 2, 1945 to December 26, 1991. About 4.8 million veterans would be eligible to receive this medal.

Our victory in the Cold War was a tremendous accomplishment and the men and women who served during that time deserve to be recognized. This legislation has been included in the House-passed version of the Defense authorization bill and I intend to encourage my colleagues in both the House and Senate to support its inclusion in the bill that emerges from the House-Senate conference.

It is also important that we honor those men and women who are currently serving. One issue that has come to my attention is the status of National Guard members who served at Ground Zero in the aftermath of September 11. In the rush to send National Guard members to Ground Zero immediately after the attacks on September 11, New York's Governor activated them in their State status. However, many of these Guard men and women ended up serving at Ground Zero for over a year. Since they were in their State status, these Guard men and women did not qualify for Federal retirement credits. However, other New York National Guardsmen who were activated to protect Federal installations after September 11 were activated in their Federal status. The result was that two groups of Guardsmen were created. Each group served honorably after September 11, but the Guardsmen serving at Ground Zero did not earn retirement credit, while the Guardsmen protecting Federal installations did earn that credit. Several months ago, I introduced legislation, S. 1144, to remedy this injustice. This legislation was included in the House's version of the Defense authorization bill and I will once again urge my colleagues to support this in the House-Senate conference on the legislation.

One issue that is not addressed in either the House or the Senate version of the Defense authorization bill is our spending priorities for science and technology at the Defense Advanced Research Projects Agency, DARPA. I would like to use the remainder of my time to raise some concerns that I have regarding the Department of Defense's investments in science and technology and disturbing trends in our investments in the longer term, basic research—investments that will develop the next generation of capabilities on which our military superiority will depend. To put it plainly, I am concerned that DARPA is losing its focus on basic and early stage research.

The Department's science and technology programs make investments in research at our nation's universities and innovative high-tech small businesses in areas such as robotics, artificial intelligence, and nanotechnology. In the past, we have seen these investments grow into revolutionary capabilities that our military takes for granted today. We have seen the fruits of these investments support our efforts in the global war on terrorism and operations in Iraq and Afghanistan.

That is why I am concerned that the Department of Defense seems to be systematically underinvesting in fundamental and long-term research programs that will shape the military of the future. I note that the Department's science and technology request for 2006 was down $2.8 billion from the 2005 appropriated level and even $28 million below the original 2005 budget request. In fact, the request is so low it has triggered a congressionally mandated Defense Science Board review of the effects of the lowered S&T investment on national security. I look forward to seeing the results of that review. I am pleased that this bill has increased those funding levels by over $400 million. While I understand the need to focus efforts on current events and operational issues—we cannot do it at the expense of sacrificing the research base that shapes the military of the future.

Of particular concern to me are the trends in funding of DOD's premier research agency. DARPA has been the engine of defense innovation for nearly 50 years—spawning innovations such as the Internet, unmanned air vehicles, and stealth capability—a record of unmatched technological accomplishments of which we should all be proud. However, I am concerned that in recent years—despite tremendous overall budgetary increases—DARPA has lost some of its unique, innovative character and is no longer funding the ''blue sky'' research for which it is famous.

Concern over DOD's, and especially DARPA's support for early stage research has come from a number of distinguished scientific circles. The National Academy of Sciences, in a recent report requested by the Senate Armed Services Committee, recommended that ''DOD should redress the imbalance between its current basic research allocation'' and its needs to support new technology areas, new researchers, and especially more unfettered or long-term research.

President Bush's own Information Technology Advisory Committee, PITAC, recently noted that DARPA had decreased funding in the critical area of cybersecurity research, stating, ''. . . very little, if any, of DARPA's substantial cybersecurity R&D investment was directed towards fundamental research.'' They also noted a ''shift in DARPA's portfolio towards classified and short-term research and development and away from its traditional support of unclassified longer-term R&D.''

The Defense Science Board has also raised concerns over DARPA's funding of computer science, stating that DARPA has further limited university participation in its computer science programs. These limitations have arisen in a number of ways, including non-fiscal limitations, such as the classification of work in areas that were previously unclassified, precluding university submission as prime contractors on certain solicitations, and reducing the periods of performance to 18–24 months.'' That kind of short term-focus is not conducive to university programs or to addressing broad, fundamental technical challenges—especially when research in computer science is helping develop and shape our networked forces of the future.

I know that our chairman, Senator WARNER, is also a great supporter of DOD research programs and the committee has taken a number of steps to ensure that these programs are well-managed and adequately funded. In addition to the National Academy study that I mentioned above, the Senate Armed Services Committee has initiated a Defense Science Board, DSB, review of the position of the Director of Defense Research and Engineering. This position also serves as the Chief Technology Officer of DOD, and the head of all science and technology programs. The committee has been concerned that the position does not have adequate authority to advocate for S&T budgets or ensure that Services and DARPA programs are well-coordinated into a broader defense technology strategy. I understand that the DSB should report out its findings sometime later this year.

I hope the members of the Armed Services Committee, and indeed the entire Senate, will consider carefully the findings of these expert, independent studies and reports. At a time when we are so dependent on technologies to combat IEDs, treat battlefield injuries, and defend our homeland, we should make sure that DOD's science and technology organizations—especially DARPA—are adequately funded, well managed, and investing in the development of capabilities for the battlefields of both today and tomorrow.

I look forward to working with the committee to look closely at DARPA and the entire DOD S&T program. Although we should be clearly focused on the issues our troops are facing here at home, in Iraq, Afghanistan and elsewhere, we cannot afford to lose sight of the important role that scientific research plays in developing the military of the future.

Mr. President, I look forward to working with my colleagues in the Armed Services committee and in the Senate as well as the House on the issues that I have discussed today.

Mr. SALAZAR. Mr. President, I rise to support the Defense authorization bill for the 2006 fiscal year, and to comment on several amendments to the bill that build on the good work of the Armed Services Committee under the leadership of Chairman WARNER and Ranking Member LEVIN.

I am pleased that this bill includes an amendment I offered to create a grant program for employment services provided to the spouses of certain members of the Armed Forces. Many of our men and women in uniform change duty stations every 2 to 5 years, wreaking havoc on their spouses' careers. Additionally, when Reservists and National Guardsmen are called to active duty, many of their spouses enter the workforce to make up the difference between civilian and military pay.

It is not just those in uniform who make sacrifices for this country. Military families need our support as well. My amendment would create a DoD grant program for workforce boards established under the Workforce Investment Act of 1998. Many of these centers already provide employment services for military spouses through the National Emergency Grant fund under the Department of Labor, but this fund has been severely strained.

This DOD grant program will provide assistance to spouses who have lost their job to accommodate a servicemember's permanent change in duty station. It will also assist spouses who have experienced a reduction in family income due to a servicemember's deployment, disability, death or the activation of a National Guardsman or Reservist.

Helping our military families cope with the disruption that comes with deployment cycles and frequent moves is the least we can do, and I thank the managers for including my amendment.

I have also cosponsored an amendment with Senator LANDRIEU that will allow up to $10 million under Title VI, the Defense Health Program, to be used for mental health screenings for members of the Armed Forces.

Mental health experts predict that because of the intensity of warfare in Iraq and Afghanistan 15 percent or more of the servicemembers returning from these conflicts will develop post-traumatic stress disorder, PTSD. This nearly equals the PTSD rate for Vietnam War veterans, and the Veterans Affairs' National Center for Post Traumatic Stress Disorder estimates rates of PTSD could reach as high as 30 percent.

Additionally, concussions both small and large can cause what is known as Traumatic Brain Injury, or TBI. While there are no service-wide figures available on how many troops are affected by TBIs, doctors at Walter Reed found that 67 percent of the casualties they treated in a 6-month period had brain injuries. This is far higher than the 20 percent figure that military doctors documented in Vietnam and other modern wars. Because of the number of soldiers affected by TBIs they are being called the ''signature injury'' of the war.

Rates of TBI in Iraq and Afghanistan are high because of soldiers' frequent exposure to improvised explosive devices. Thanks to dramatic improvements to body armor and vehicle armor in recent years, these explosions, thankfully, often do not kill a soldier. But the blast jars their brain, often causing bruising or permanent damage. Studies of veterans who suffered TBIs

in previous wars indicate that they experience cognitive deficits in social behavior, reasoning, attention, and planning that need effective diagnosis and rehabilitation.

Without more mental health screenings, too many of these injuries will continue to go undiagnosed. This amendment will help to diagnose soldiers earlier, and improve their long-term quality of life. I am pleased that it has been included in the bill.

This bill also includes an amendment I authored to allow the Office of Special Events within the Department of Defense to provide more support to paralympic competitions in the United States. This is a matter of basic fairness. The Pentagon currently supports Olympic and other international games. This amendment just makes it easier for the Pentagon to support such competitions and this is especially important now, as so many of our seriously injured servicemembers are working to rebuild their lives and find new outlets for their drive and determination.

This bill also contains an amendment I authored as a result of a letter I received from one of my constituents. He is an Army specialist and is currently deployed to Iraq. He wrote to me because one of his friends was killed by an IED while sitting in the exposed gunner's seat of a Humvee. His letter reads as follows:

> Two days ago a good friend of mine was killed in action when an Improvised Explosive Device (IED) detonated next to his M1114 Humvee. He was sitting in the gunner seat and pulling rear security. I have seen automated guns that can go on the top of these same Humvees. These guns are controlled from inside the vehicle. Why are these guns not on every Humvee? I do not have the time or the resources over here to check, but if you were to look into it I believe you would be shocked at the percentage of KIA's that were sitting in the gunner's seat of Humvees since OIF 1 in 2003. All I do know is that the four people that were inside the vehicle were physically unharmed. If the answer is money, then I would really like to know how much my friend's life was worth.

Since receiving that letter I have been in close contact with the Pentagon about the technology this young specialist is referring to. The Common Remotely Operated Weapons Station, known as CROWS, can move our soldiers out of the exposed gunner's seat and inside the protective shell of an up-armored Humvee.

In a CROWS-equipped vehicle, the gunner controls a powerful weapons platform through a computer screen. The system can be mounted on a variety of platforms, and it gives a solder the capability to acquire and engage targets while protected inside the vehicle, out of range of enemy fire or IED attacks.

Right now we have a few of these systems deployed in Iraq, and I am told that our soldiers ''hot seat'' them, which means that when one of these Humvees comes back from a patrol or an escort mission, another group of soldiers takes the vehicle out again as soon as they can gas it up.

My amendment would express the sense of the Senate that the administration should ask for full funding of this program in their next supplemental budget request. I appreciate the managers' support for my efforts to send a strong signal to the Pentagon about this important priority.

Another amendment, which I cosponsored, will resolve the last remaining obstacle to the creation of the Rocky Flats National Wildlife Refuge. The amendment authorizes the Department of Energy to spend up to $10 million to acquire the mineral interests on four parcels of land within the tentative boundaries of the refuge. These mineral interests would be acquired from willing sellers. The Departments of Energy and Interior agree that these four parcels represent the areas which include sand and gravel deposits of sufficient value that future mining is possible and which also include significant and unique ecological values that should be protected as part of the refuge.

This amendment also resolves the potential claims for natural resource damages that might arise in the future as a result of releases of hazardous substances that have already been identified in the lengthy administrative record of the Rocky Flats cleanup. The State of Colorado trustees with responsibility to pursue such claims, the Colorado attorney general, the director of the Colorado Department of Natural Resources, and the director of the Colorado Department of Public Health and the Environment, all agree that the expenditure of $10 million to acquire these mineral interests is fair compensation for the waiver of potential Natural Resource Damage claims. The release of hazardous materials not previously identified would not be waived by this amendment, and the Department of Energy would remain liable for such releases, if any.

As our brave men and women in uniform continue to perform so admirably in tremendously difficult conditions, and as their families continue to make their own sacrifices, it is vitally important that the Senate has finally acted on this bill. I am committed to continuing to work with my colleagues on both sides of the aisle to give our troops the support that they deserve.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate was finally able to debate and pass the Defense authorization bill. It was inexcusable that this bill that is so critical to our men and women in uniform was allowed to languish for over half a year. Vital defense policies are set every year in the authorization bill, including policies with a direct impact on military families such as pay and benefits. I am very pleased that we were able to include a 3.1 percent pay raise for all of our men and women in uniform and am proud of the Senate's strong bipartisan efforts to make TRICARE available for the Guard and Reserve. I was pleased to support these efforts and the successful efforts to eliminate the SBP–DIC offset and reduce the retirement age for those in the Reserve component.

One of the key policy debates that took place during the Senate's consideration of this bill involved our Nation's Iraq policy. For months, I have been calling on the President to provide a flexible, public timetable for completing our mission in Iraq and for withdrawing our troops once that mission is complete. I am not calling for a rigid timetable I mean one that is tied to clear and achievable benchmarks, with estimated dates for meeting those benchmarks. I worked with some of my distinguished Democratic colleagues in the Senate to draft an amendment that demanded just that, and I am pleased that 40 Members of the Senate agreed that we need a flexible timetable for achieving our military mission in Iraq and withdrawing our troops. They recognize what increasing numbers of military leaders and experts are saying, that having such a timeline will help us defeat the insurgency.

Our servicemembers deserve to know what their military mission is and when they can expect to achieve it. And the American people deserve to know that we have a plan, tied to clear benchmarks, for achieving our military goals and redeploying our troops out of Iraq so we can focus on our most pressing national security priority, defeating the global terrorists who threaten this country. I will keep fighting for a timeframe for our military mission and I am heartened by the fact that an increasing number of my Senate colleagues agree with me, and with the American people, on the need for such a timeframe.

I am pleased that the Senate passed my amendment to enhance and strengthen the transition services that are provided to our military personnel by making a number of improvements to the existing transition and post-deployment/pre-discharge health assessment programs. My amendment will ensure that members of the National Guard and Reserve who have been on active duty continuously for at least 180 days are able to participate in transition programs and requires that additional information be included in these transition programs, such as details about employment and reemployment rights and a description of the health care and other benefits to which personnel may be entitled through the VA. The amendment also requires that demobilizing military personnel have access to follow-up care for physical or psychological conditions incurred as a result of their service. In addition, the amendment requires that assistance be provided to eligible military personnel to enroll in the VA health care system. I thank the chairman and the Ranking Member for their assistance on this important issue.

This bill also contains a provision I authored establishing the Civilian Linguist Reserve Corps, CLRC, pilot project. It became abundantly clear

after the attacks of September 11, 2001, that the U.S. Government had a dearth of critical language skills. The 9/11 Commission report documented the disastrous consequences of this deficiency that, unfortunately, we still have not made enough progress in addressing 4 years after the 9/11 tragedy.

CLRC is designed to address the Government's critical language shortfall by creating a pool of people with advanced language skills that the Federal Government could call on to assist when needed. The National Security Education Program completed a feasibility study of CLRC and concluded that the concept was sound and ''an important step in addressing both short- and long-term shortfalls related to language assets in the national security community.'' It also recommended that a 3-year pilot project be conducted to work out any potential problems. My amendment establishes this pilot project. I want to thank the managers of the bill for working with me to include this worthwhile measure and thank Senator COLEMAN for cosponsoring my amendment.

I also want to thank the bill managers for continuing to work with me in assisting the families of injured servicemembers. I was pleased that Congress included my amendment on travel benefits for the family of injured servicemembers in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief of 2005, P.L. 109–13. My amendment corrected a flaw in the law that unintentionally restricted the number of families of injured servicemembers that qualify for travel assistance. Too many families were being denied help in visiting their injured loved ones because the Army had not officially listed them as ''seriously injured,'' even though these men and women have been evacuated out of the combat zone to the United States for treatment. The change in the law now ensures that families of injured servicemembers evacuated to a U.S. hospital get at least one trip paid for so that these families can quickly reunite and begin recovering from the trauma they have experienced. I introduced my amendment to this bill because the family travel provision in P.L. 109–13 was sunset at the end of the 2005 fiscal year by the conferees. I thank the Senate for adopting my amendment that will make the provision permanent.

The Senate also adopted an amendment I authored requiring the Department of Defense to report on the steps it is taking to clearly communicate the stop-loss policy to potential enlistees and re-enlistees. One of my constituents, a sergeant in the Army, wrote to me earlier this year articulating his frustration with the Army's stop-loss policy. He had been scheduled to be released from service prior to his unit's deployment to Iraq but the stop-loss order kept him in uniform making him feel that his service was completely unappreciated. Part of this sergeant's frustration and the frustration experienced by others who have been put under stop-loss orders stems from the fact that many don't know that the military can keep them beyond their contractual date of separation. They may find out about this policy only shortly before they are deployed to a war zone, as was the case with my constituent. This situation is simply unacceptable.

The sergeant who shared his story with me was killed in Iraq only days after he wrote his letter. With thousands of soldiers still on stop-loss, I am certain that similar tragic stories have played out many times over the last few years. The very least we owe those who volunteer to serve our Nation is full disclosure of the terms under which they are volunteering. My amendment includes a finding that states exactly that. I hope that, by pushing the Department to report on the actions it is taken to ensure that potential recruits know the terms of their service, the Department will take quick action to do just that. One good place for it to start would be to revise DOD Form 4/1, Enlistment/Reenlistment Document, the service contract new enlistees and reenlistees must sign to join the military. Form 4/1 does not currently include information that tells those joining the active component that they may be kept on stop-loss during partial mobilizations. The Department must immediately fix this flaw and take other steps to clearly communicate to our men and women in uniform the terms under which they are volunteering to serve.

Congress has a crucial role in defense oversight and I am disappointed that the Senate has again failed to adopt Senator DORGAN's amendment that would have created a Truman Committee to oversee our efforts in Iraq. This measure was a commonsense way to assure that we carry out our policies in the most effect way possible and not, as now, waste millions if not billions of taxpayer dollars. After all, our shared goal is to get needed resources to our troops and rebuilding efforts not to profiteers.

One measure the Senate adopted that should assist in our oversight responsibilities is my amendment requiring DOD to report on how it will address deficiencies related to key military equipment. According to a recent GAO report, DOD has not done a good job in replacing equipment that is being rapidly worn out due to the military's high operational tempo or even tracking its equipment needs. Military readiness has suffered as a result. My amendment requires DOD to submit a report in conjunction with the President's annual budget request that details DOD's program strategies and funding plans to ensure that DOD's budget decisions address these equipment deficiencies. Specifically, the Department must detail its plans to sustain and modernize key equipment systems until they are retired or replaced, report the costs associated with the sustainment and modernization of key equipment, and identify these funds in the Future Years Defense Program. Finally, if the Department chooses to delay or not fully fund their plan, it must describe the risks involved and the steps it is taking to mitigate those risks.

Although I am voting for the Department of Defense authorization bill, I am disappointed with the mixed messages that the Senate continues to send to the administration and the country on issues related to the detainees held at Guantanamo Bay. Even as the Senate passed the important McCain amendment on torture, the Senate also included in this bill the Graham amendment, which even as modified would still eliminate habeas review for detainees at Guantanamo Bay. The modification worked out by Senators GRAHAM and LEVIN would provide detainees with only limited review in the DC Circuit of the procedures for determining whether they are enemy combatants and the procedures the military commissions used to try them. This is an improvement over the original amendment offered by Senator GRAHAM, but it would not allow a court to review any claim that an individual detainee is not, in fact, an enemy combatant. I was very disappointed that this became part of this bill, although I am pleased with the amendment's ban on the use of evidence obtained by undue coercion. It is troubling that after 4 years of congressional acquiescence to the administration on this issue, it took a Supreme Court decision allowing habeas review for the Senate to take action. It is good that the Senate is finally paying attention to this issue, but this amendment is the wrong result. It sends the wrong message about this country's commitment to basic fundamental fairness and the rule of law.

I must also note with some disappointment that this bill continues the wasteful trend of spending billions of dollars on Cold War era weapons systems while at the same time not fully funding the needs of the military personnel fighting our current wars. I think the Senate missed some opportunities when it rejected amendments that could have made the bill better. However, on balance this legislation contains many good provisions for our men and women in uniform and their families and that is why I support it.

Mr. KERRY. Mr. President, I want to speak in support of the important amendment on Iraq offered by my colleague Senator LEVIN. I am pleased to have worked with many of my Democratic colleagues on this amendment and to be an original cosponsor.

Mr. President, 2006 will be the pivotal year in determining whether we can successfully complete our mission in Iraq and bring our troops home in a reasonable amount of time. As we enter this make or break period, the

administration must finally adopt a realistic, clear, and comprehensive strategy.

This Democratic amendment lays out many of the principles that should guide that strategy, including using all of our diplomatic, military, political and economic leverage to defeat the insurgency, getting greater international support for the reconstruction effort, strengthening the capacity of Iraq's governing ministries, and training Iraqi security forces. And it requires the administration to regularly report back to Congress and the American public on the status of implementing the measures necessary to complete the mission.

As we know from painful experience, no President can sustain a war without the support of the American people. In the case of Iraq, their patience is frayed nearly to the breaking point because Americans who care deeply about their country will not tolerate our troops giving their lives without a clear strategy, and will not tolerate vague platitudes when real answers are needed.

The Democratic amendment addresses that by calling on the administration to give Congress and the American public a target schedule for achieving the conditions that will allow for the phased redeployment of U.S. troops, the status of efforts meet that schedule, and the estimated dates for such redeployment.

Let's be very clear on this point: the Democratic amendment does not call for setting any arbitrary deadlines for withdrawal of U.S. troops. It envisions redeployment of U.S. forces as conditions allow. But it rejects the administration's hollow, vague declaration to just ''stay as long as it takes'' by calling on the administration to give target dates and regular updates on reaching those conditions.

For far too long, Congress and the American public have been left in the dark when it comes to Iraq. We have repeatedly been asked by the administration to take their word that they have a strategy for success, without being given any sense of what that is or when our troops will be home. It is past time for Congress and the American people to be fully informed about what our strategy is, the progress that is being made in implementing it, and when we might expect to see our troops redeployed. That is what the Levin amendment will do.

While the Democratic amendment and the Republican amendment offered by Senators WARNER and FRIST are a wakeup call to the Bush administration that there is an overwhelming bipartisan majority with deep concerns about the administration's aimless course in Iraq, I will not support the Warner-Frist amendment because it stripped out two of the key provisions of the Democratic amendment. The first is the sense of the Senate that America should let the Iraqi people know that we will not stay in Iraq indefinitely, which will send an important message about our intentions while reducing the sense of U.S. occupation. The second is the requirement that the administration provide a report to Congress that includes estimated dates for the redeployment of U.S. troops as specific conditions are met, which is necessary to keep Congress and the American public informed about our progress towards the ultimate goal of finishing our mission and getting our troops home. These provisions are an essential part of a real strategy for success in Iraq. We owe our troops and the country nothing less.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question is on the passage of the bill, as amended.

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 clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Tennessee (Mr. ALEXANDER).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted ''yea.''

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 98, nays 0, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—98

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

NOT VOTING—2

Alexander Corzine

The bill (S. 1042), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

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

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 ask unanimous consent that S. 1042, as amended, be printed as passed.

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

Mr. WARNER. Mr. President, I now ask further unanimous consent that the Senate proceed immediately to the consideration en bloc of S. 1043 through S. 1045, Calendar Orders Nos. 103, 104, and 105; that all after the enacting clause of those bills be stricken, and the appropriate portions of S. 1042, as amended, be inserted in lieu thereof according to the schedule which I am sending to the desk; that these bills be advanced to third reading and passed; that the motions to reconsider en bloc be laid upon the table; and that the above actions occur without intervening action or debate.

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

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The bill (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, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 2006

The bill (S. 1044) to authorize appropriations for fiscal year 2006 for military construction, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.

(The text of the bill will be printed in a future edition of the RECORD.)

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2006

The bill (S. 1045) to authorize appropriations for fiscal year 2006 for defense activities of the Department of Energy, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as amended.