United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

Vol. 151 WASHINGTON, MONDAY, OCTOBER 3, 2005 No. 126

# House of Representatives

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. TOM DAVIS of Virginia).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 3, 2005.*

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, You order all the cycles of nature and guide all the lives of Your people, bless this Nation and its leaders in government.

The lunar calendar invites Jews to the holiday of Rosh Hashanah and Muslims to the fast of Ramadan.

Help all people of faith to put an end to whatever alienates us from You and one another. Strengthen us to face the difficulties and disappointments of life and at the same time seize the opportunities You set before us to build anew an era of peace, repentance and understanding, where Your presence is acknowledged and You are given glory both now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 30, 2005.*

Hon. J. DENNIS HASTERT,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 30, 2005, at 11:07 a.m.

That the Senate passed H.J. Res. 68.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
*Clerk of the House.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 30, 2005.*

Hon. J. DENNIS HASTERT,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 30, 2005, at 3:30 p.m.

That the Senate passed H.R. 3863.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
*Clerk of the House.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution on Friday, September 30, 2005:

H.J. Res. 68, making continuing appropriations for the fiscal year 2006, and for other purposes.

## APPOINTMENT OF HON. TOM DAVIS OF VIRGINIA TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS ON TODAY

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*October 3, 2005.*

I hereby appoint the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

## APPOINTMENT OF MEMBERS TO UNITED STATES HOLOCAUST MEMORIAL COUNCIL

The SPEAKER pro tempore. Pursuant to 36 U.S.C. 2301, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the United States Holocaust Memorial Council:

Mr. LATOURETTE, Ohio
Mr. CANNON, Utah
Mr. CANTOR, Virginia



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## APPOINTMENT OF MEMBERS TO THE PRESIDENT'S EXPORT COUNCIL

The SPEAKER pro tempore. Pursuant to executive order 12131, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the President's Export Council:

Mr. ENGLISH, Pennsylvania
Mr. PICKERING, Mississippi
Mr. HAYES, North Carolina

## ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill and Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3863. An act to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster.

H.J. Res. 68. Joint resolution making continuing appropriations for the fiscal year 2006, and for other purposes.

## BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on September 29, 2005, he presented to the President of the United States, for his approval, the following bills.

H.R. 2132. To extend the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

H.R. 2385. To extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.

H.R. 3200. Servicemembers' Group Life Insurance Enhancement Act of 2005.

H.R. 3667. To designate the facility of the United States Postal Service located at 200 South Barrington Street in Los Angeles, California, as the ''Karl Malden Station''.

H.R. 3767. To designate the facility of the United States Postal Service located at 2600 Oak Street in St. Charles, Illinois, as the ''Jacob L. Frazier Post Office Building''.

H.R. 3784. Higher Education Extension Act of 2005.

H.R. 3864. Assistance for Individuals with Disabilities Affected by Hurricanes Katrina and Rita Act of 2005.

## ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 10 a.m. on Thursday, October 6, 2005.

There was no objection.

Accordingly (at 4 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Thursday, October 6, 2005, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4349. A letter from the Assistant Secretary, OSERS, Department of Education, transmitting the Department's final rule — Training of Interpreters for Individuals Who Are Deaf or Hard of Hearing and Individuals Who Are Deaf-Blind — received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4350. A letter from the Chief Financial Officer, Department of Education, transmitting the Department's final rule — Federal Policy for the Protection of Human Subjects — received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4351. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Community Technology Centers Program — received September 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4352. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — School Dropout Prevention Program — September 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4353. A letter from the Assistant General Counsel for Regulations, OGC, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Disability and Rehabilitation Research Projects — received September 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4354. A letter from the Assistant General Counsel for Regulations, OGC, Department of Education, transmitting the Department's final rule — National Institute on Disabilty and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Rehabilitation Research and Training Centers; Grants and Cooperative Agreements; Availibility — received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4355. A letter from the Assistant General Counsel for Regulations, OGC, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Disability and Rehabilitation Research Projects — received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4356. A letter from the Assistant General Counsel for Regulations, OGC, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research — Disability and Rehabilitation Research Projects and Centers Program — Rehabilitation Research and Training Centers — received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4357. A letter from the Assistant Counsel for Regulations, OGC, Department of Education, transmitting the Department's final rule — Training of Interpreters for Individuals Who Are Deaf or Hard of Hearing and Individuals Who Are Deaf-Blind — July 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4358. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757 Airplanes [Docket No. FAA-2004-18540; Directorate Identifier 2004-NM-110-AD; Amendment 39-14258; AD 2005-18-18] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4359. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2005-22252; Directorate Identifier 2005-NM-182-AD; Amendment 39-14260; AD 2005-18-51] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4360. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2005-21435; Directorate Identifier 2004-NM-163-AD; Amendment 39-14257; AD 2005-18-17] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4361. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Goodrich De-icing and Speciality Systems ''FASTprop'' Propeller De-icers [Docket No. FAA-2005-20847; Directorate Identifier 2004-NE-35-AD; Amendment 39-14261; AD 2005-18-20] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4362. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 200, 400, 500, and 600 Airplanes [Docket No. FAA-2005-21683; Directorate Identifier 2005-NM-021-AD; Amendment 39-14259; AD 2005-18-19] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4363. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. Propellers [Docket No. FAA-2004-19955; Directorate Identifier 2004-NE-17-AD; Amendment 39-14252; AD 2005-18-12] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4364. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Avions Marcel Dassault-Breguet Model Falcon 10 Airplanes [Docket No. FAA-2005-22309; Directorate Identifier 2005-NM-159-AD; Amendment 39-14254; AD 2005-18-14] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4365. A letter from the Program Analyst. FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-3A1 Turbofan Engines [Docket No. FAA-2004-18869; Directorate Identifier 2004-Ne-23-AD; Amendment 39-14256; AD 2005-18-16] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4366. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 and -300 Series Airplanes and Model 767 Series Airplanes [Docket No. FAA-2005-20352; Directorate Identifier 2004-NM-214-AD; Amendment 39-14249; AD 2005-18-09] (RIN:

2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4367. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-215-1A10 (Water Bomber), CL-215-6B11 (CL215T Variant), and CL-215-6B11 (CL415 Variant) Airplanes [Docket No. FAA-2005-21595; Directorate Identifier 2002-NM-321-AD; Amendment 39-14245; AD 2005-18-05] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4368. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-163-AD; Amendment 39-14244; AD 2005-18-04] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4369. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A340-200 and A340-300 Series Airplanes [Docket No. FAA-2005-22291; Directorate Identifier 2005-NM-038-AD; Amendment 39-14251; AD 2005-18-11] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4370. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 200EX Airplanes [Docket No. FAA-2005-22308; Directorate Identifier 2005-NM-160-AD; Amendment 39-14255; AD 2005-18-15] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4371. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Israel Aircraft Industries, Ltd. Model 1124 and 1124A Airplanes [Docket No. FAA-2005-22306; Directorate Identifier 2005-NM-169-AD; Amendment 39-14253; AD 2005-18-13] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4372. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines [Docket No. 98-ANE-61-AD; Amendment 39-14243; AD 2005-18-03] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4373. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-209, -217, -217A, -217C, and -219 Turbofan Engines [Docket No. 98-ANE-43-AD; Amentment 39-14242; AD 2005-18-02] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4374. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney JT8D-1, -1A, -1B, -7, -7A, -7B, -9, -9A, -11, -15, -15A, -17, -17A, -17R, -17AR, -209, -217, 217A, -217C, and -219 Turbofan Engines [Docket No. FAA-2004-19929; Directorate Identifier 2004-NE-15-AD; Amendment 39-14237; AD 2005-17-16] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4375. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, and DC-8-43 Airplanes; DC-8-50 Series Airplanes; DC-8F-54 and DC-8F-55 Airplanes; DC-8-60 Series Airplanes; DC-8-60F Series Airplanes; DC-8-70 Series Airplanes; DC-8-70F Series Airplanes [Docket No. FAA-2004-19536; Directorate Identifier 2004-NM-86-AD; Amendment 39-14247; AD 2005-18-07] (RIN: 2120-AA64) received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4376. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Abilene Municipal Airport, KS. [Docket No. FAA-2005-21871; Airspace Docket No. 05-ACE-25] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4377. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Meade Municipal Airport, KS. [Docket No. FAA-2005-21783; Airspace Docket No. 05-ACE-24] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4378. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Washington, MO. [Docket No. FAA-2005-21706; Airspace Docket No. 05-ACE-23] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4379. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airspace Designations; Incorporation By Reference [Docket No. 29334; Amendment No. 71-37] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4380. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30455; Amdt. No. 3130] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4381. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Newton, KS. [Docket No. FAA-2005-21704; Airspace Docket No. 05-ACE-20] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4382. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Updating Estimated Income Tax Regulations Under Section 6654 [TD 9224] (RIN: 1545-BD17) received September 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4383. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Gross Income Defined (Rev. Rul. 2005-61) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4384. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Exclusions from Gross Income of Foreign Corporations [TD 9218] (RIN: 1545-BE16) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4385. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and methods of accounting. (Rev. Proc. 2005-63) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4386. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of a Stapled Foreign Corporation under Sections 269B and 367(b) [TD 9216] (RIN: 1545-BD06) received August 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4387. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Distribution of Stock and Securities of a Controlled Corporation (Rev. Rul. 2005-65) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4388. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-66) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4389. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Guidance on the Measurement of Continuity of Interest [TD 9225] (RIN: 1545-BD53) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4390. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Elections under Section 362(e)(2)(c) [Notice 2005-70] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4391. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Optional Standard Mileage Rates [Announcement 2005-71] received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4392. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2005-68) received September 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4393. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Protected Benefits [TD 9219] (RIN: 1545-BC26) received August 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4394. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2005-56) received August 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4395. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Plans and Federal Credit Unions [Notice

2005-58] received July 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4396. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Hurricane Katrina Relief [Announcement 2005-70] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4397. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2005-67] received September 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Filed on September 30, 2005]*

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1065. A bill to establish the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing; with an amendment (Rept. 109–209 Pt 2). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

*[The following action occurred on September 30, 2005]*

Pursuant to clause 2 of rule XIII the Committee on Education and the Workforce discharged from further consideration. H.R. 1065 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 3084 referred to the Committee of the Whole House on the State of the Union.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 or rule XII the following action was taken by the Speaker:

*[The following action occurred on September 30, 2005]*

H.R. 921. Referral to the Committee on Education and the Workforce extended for a period ending not later than November 18, 2005.

H.R. 2830. Referral to the Committee on Ways and Means extended for a period ending not later than November 4, 2005.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. HERSETH:

H.R. 3967. A bill to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; to the Committee on Resources.

By Ms. MILLENDER-MCDONALD (for herself and Ms. ROS-LEHTINEN):

H. Con. Res. 258. Concurrent resolution calling for a Commission within the United Nations that will build a 21st century abolitionists movement to end slavery, human trafficking, and exploitation around the world; to the Committee on International Relations.

By Mr. DAVIS of Alabama (for himself and Mr. CONYERS):

H. Res. 478. A resolution commending Myron H. Thompson, United States District Judge for the Middle District of Alabama, for his commitment and dedication to public service, the judicial system, equal access to justice, and the community; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 156: Mr. BERMAN, Mr. UDALL of Colorado, and Mr. BECERRA.

H.R. 197: Mr. SIMMONS and Mr. MOORE of Kansas.

H.R. 633: Ms. SCHAKOWSKY.

H.R. 668: Ms. MATSUI.

H.R. 923: Mrs. SCHMIDT, Mr. WELDON of Pennsylvania, and Mr. WALSH.

H.R. 2017: Ms. WOOLSEY.

H.R. 2793: Mr. OWENS and Mr. DEFAZIO.

H.R. 3011: Mrs. DRAKE, Ms. HART, and Mr. PICKERING.

H.R. 3190: Mr. FILNER.

H.R. 3427: Mr. LAHOOD.

H.R. 3511: Mrs. MYRICK.

H.R. 3639: Mr. FOLEY.

H.R. 3734: Mr. SCOTT of Georgia, Ms. LEE, Ms. WATSON, Ms. WATERS, Ms. MILLENDER-MCDONALD, Ms. CORRINE BROWN of Florida, Mr. BISHOP of Georgia, Ms. MCKINNEY, Mr. LEWIS of Georgia, Mr. DAVIS of Illinois, Mr. JEFFERSON, Mr. CUMMINGS, Ms. KILPATRICK of Michigan, Mr. CONYERS, Mr. CLAY, Mr. CLEAVER, Mr. PAYNE, Mr. RANGEL, Mr. BUTTERFIELD, Mr. WATT, Mr. CLYBURN, Mr. AL GREEN of Texas, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. SOLIS, Mrs. MCCARTHY, Mr. GRIJALVA, Mr. MELANCON, Mr. THOMPSON of Mississippi, Mr. WYNN, Mr. MCGOVERN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3735: Ms. MCKINNEY.

H.R. 3737: Mr. BERRY and Mr. GONZALEZ.

H.R. 3858: Mr. KILDEE, Mr. GORDON, Mrs. CAPPS, Ms. KAPTUR, Mr. ENGEL, Mr. BLUMENAUER, Ms. SCHAKOWSKY, Mr. UDALL of Colorado, Mr. GOODE, and Mr. CLEAVER.

H.R. 3883: Miss MCMORRIS.

H.R. 3887: Mr. SAM JOHNSON of Texas and Mr. WESTMORELAND.

H.R. 3907: Mr. HOSTETTLER.

H.R. 3923: Mr. RYUN of Kansas, Mr. SESSIONS, and Mr. BROWN of South Carolina.

H.R. 3924: Mr. RYUN of Kansas, Mr. SESSIONS, and Mr. BROWN of South Carolina.

H.R. 3947: Mr. WICKER.

H. Con. Res. 254: Mr. KIRK.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109th CONGRESS, FIRST SESSION

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# Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in heaven, remind us often of the importance of Your presence in our lives. Make us aware of our need for Your guidance, and empower us to reach out to others in Your Name.

Lord, teach us to pray, and sustain us by the wonder of Your words. Give us truths that will strengthen our minds, souls, and hearts. In times of distress, grief, confusion, and misunderstanding, illuminate our paths with the light of Your companionship.

Guide our lawmakers in their challenging work, for You have promised never to leave or forsake them. Infuse all of us with a spirit that will cause people to glorify You.

We pray in Your Holy Name. Amen.

## PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. FRIST. Mr. President, today we are turning to consideration of the Department of Defense appropriations bill. Chairman STEVENS and Senator INOUYE are ready for Senators to come forward with their amendments. We hope to have an agreement that all first-degree amendments will be filed at the desk no later than 5 p.m. today. The Democrat leader and I were just talking to that effect, and we will continue to work for the next several minutes on that.

This would enable the two managers to review—and this is very important—allow them to review the legislative language to see what amendments may be acceptable on both sides. We have been unable to lock that agreement in place at this time, but I will continue to talk with the Democrat leader to see if that would be possible.

As I previously announced, there will be no rollcall votes today or tomorrow in observance of the Rosh Hashanah holiday. Any votes ordered today or tomorrow will occur at sundown on Wednesday. In all likelihood, we will be stacking votes at that time.

Having said that, we will be in discussion during this period, so Members can come forward and offer their amendments. I encourage Members to come to the Senate and not wait until later in the week. We are going to finish this bill before our next recess. We are making real progress on the appropriations bills. We need to continue that process. As we all know, the fiscal year has just passed. We are working on a continuing resolution. It is critical we continue to make progress on these bills. We have Monday, Tuesday, Wednesday, Thursday, and Friday of this week to complete the Department of Defense appropriations bill. I hope we will be able to finish it Wednesday or Thursday, but we are not going to leave until we complete this bill.

A number of other pieces of very important legislation are being discussed, debated, talked about, and written. One of those is the pensions legislation. The Committee on Finance and Committee on HELP have a bipartisan package on which we expect to reach a unanimous consent agreement so we can consider that bill this week as well.

## NOMINATION OF HARRIET MIERS

Mr. FRIST. Mr. President, this is a momentous day in the history of our Nation. For the first time in two decades, a new Chief Justice ascends to the bench of the highest Court in the land. Today, John Roberts is leading the Supreme Court as the 17th Chief Justice of the United States. And today, with the nomination of Harriet Miers as an Associate Justice of the Supreme Court, we are faced with yet another opportunity to shape the course of history.

President Bush's choice of Harriet Miers demonstrated a thoughtful, careful, and discerning selection. Once again, the President reached out in a bipartisan way to more than 80 Senators. Once again, the President chose a qualified nominee for our High Court.

During her distinguished 35-year legal career, Ms. Miers has demonstrated her expertise as a talented attorney in both private practice and in public service. In every sense, Harriet Miers has been a true trailblazer and a role model for women in the legal profession.

As a young attorney, she overcame numerous obstacles to become the first female hired by her Dallas law firm. She impressed her colleagues so much that they elected her president of the firm, making her the first woman to lead a Texas firm of that size.

Ms. Miers has been a pillar of leadership in the legal community. She was the first female elected president of the Dallas Bar Association and head of the State Bar of Texas. She has served as trusted adviser to President Bush in various capacities and currently serves as White House Counsel.

Since she has not served as a judge, she will bring a unique perspective to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the Court. In fact, 41 of the 109 Supreme Court Justices who have served, including Chief Justice Rehnquist, did not have prior judicial experience.

What the President saw in Ms. Miers and what I see in her is that she embodies each of the qualities we seek in a Supreme Court Justice. She is fair, honest, and of the highest integrity. Her resume is a study in the time-honored values of hard work and perseverance. She understands the importance of judicial restraint and the limited role of the judge to interpret the law and not legislate from the bench.

She deserves a fair and civil hearing and a dignified debate on the Senate floor, followed by a fair up-or-down vote before Thanksgiving.

As we move ahead with the nomination process, I hope we will carry forward the lessons we have learned from Chief Justice Roberts' recent nomination. His nomination progressed expeditiously and in a bipartisan manner. I commend Chairman SPECTER, Ranking Member LEAHY, the Judiciary Committee, and the entire Senate for setting a standard to follow. We put principle above partisanship. We put results above rhetoric. We followed the framework intended by the Framers of the Constitution. By doing this, we helped to preserve the integrity and legitimacy of the judicial nomination process. And today, our Supreme Court and our Federal judiciary are stronger for it.

From the Roberts confirmation we have learned and a bipartisan group of Senators agree that Senators can make an informed decision on the fitness of a judicial nominee by focusing on the individual's qualifications and not her political ideology. We have learned that a nominee's fitness to serve on the Federal bench can be determined by reviewing her record, her writings, and testimony, without probing into confidential, privileged documents. We have learned that nominees can and should answer questions without compromising their judicial independence and without prejudging cases, and we should not expect them to prejudge cases or issues that may come before the Court. A nominee who prejudges is truthfully the antithesis of what we want in a judge. We want an individual who approaches every case with a fair and open mind, analyzing the facts before them and applying the law. Perhaps the most important lesson we have learned from Chief Justice Roberts' nomination is that we should apply a single fair standard to all judicial nominees.

With Harriet Miers' nomination before the Senate, we must again move expeditiously but carefully. It is my expectation that the Senate will give Ms. Miers the fair and civil hearing, the dignified debate, and the fair up-or-down vote she deserves. I believe the Senate has moved beyond the obstructionism of the recent past, and in moving forward we will adhere to the time-honored principle that all judicial nominees deserve a fair up-or-down vote. That vote should occur by Thanksgiving. With civility, trust, and hard work, we can accomplish this goal.

## DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2863, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes.

Mr. FRIST. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Virginia is recognized.

(The remarks of Mr. WARNER are printed in today's RECORD under ''Morning Business.'')

(The remarks of Mr. WARNER pertaining to the introduction of S. 1810 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. WARNER. Mr. President, parliamentary inquiry: It is my understanding we are on the bill for appropriations for our defense purposes under the management of the distinguished Presiding Officer. Am I correct?

The PRESIDENT pro tempore. The Senator is correct, the Defense appropriations bill.

Mr. WARNER. Mr. President, this is a matter that I have discussed with the managers of the bill as well as, on several occasions, our distinguished Republican and Democratic leaders. On behalf of Senator LEVIN and myself, I file today the 2006 authorization bill which has been prepared by the Committee on Armed Services. It was taken up by the Senate some weeks ago but, due to schedule pressures, we did not have the opportunity to finish that bill.

I emphasize that Senator LEVIN and I jointly are taking this action today. We do so having also worked very conscientiously with our two leaders to prepare a unanimous consent request, which is still in the works, by which our bill can once again be brought up as a freestanding measure and the Senate act upon it. I will not dwell at this time on the various options we are discussing as to how that UC is drawn up. Senator LEVIN and I believe that it is imperative, on behalf of the men and women of the Armed Forces, that this bill be considered in a timely fashion. As we continue our work on the UC, I have to seize upon this opportunity, together with Senator LEVIN, to file our bill as a proposed amendment to the appropriations bill, together with a managers' package, a proposed managers' amendment, of some 80 amendments that Senator LEVIN, since the time of the original consideration of our bill, and I have looked at, agreed, and would be seeking unanimous consent for the incorporation of those amendments in our bill.

The armed services bill was acted on with some 31 amendments at the time it was on the floor. So we have the original bill with 31 amendments which were agreed to in the course of several days of deliberation. Again, the Defense authorization act is too important to our soldiers, sailors, airmen, and marines, and the national security of our country for the Senate not to complete action on it. If we cannot achieve unanimous consent prior to the final passage of this bill, it is the intent of Senator LEVIN and myself to urge upon the Senate the incorporation of the Defense authorization bill, together with at least a first managers' package of 80 amendments. For the convenience of Senators, I ask unanimous consent that a list of those 80 amendments and a brief description and the Senators, some 68 in number, who are affected by this managers' package, be printed in the RECORD.

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

PROPOSED MANAGER'S AMENDMENT FOR THE FY 2006 DEFENSE AUTHORIZATION BILL

| No. | Senator | Subject | Comments |
|---|---|---|---|
| 1 | Warner | Tech mil con $ change | 1396 |
| 2 | McCain | US Naval Reserve | 1438 |
| 3 | Craig | Casualty Assurance | 1473 |
| 4 | DeWine | AFIT | 1356 |
| 5 | Grassley | WCFs | 1481 |
| 6 | Warner | SARA | NEW |
| 7 | Warner | Court House | 1562 |
| 8 | Obama | Composite Health | 1362 |
| 9 | Hatch | depot maintenance | 1516 |
| 10 | Feinstein | NPT | 1410 |
| 11 | Lieberman | DSB Micro | 1361 |
| 12 | Graham | Savannah | 1387 |
| 13 | Martinez | Gitmo | 1885 |

PROPOSED MANAGER'S AMENDMENT FOR THE FY 2006 DEFENSE AUTHORIZATION BILL—Continued

| No. | Senator | Subject | Comments |
|---|---|---|---|
| 14 | Bayh | civil relief act | 1334 |
| 15 | Feinstein | Milamar | 1514-milcon |
| 16 | Nelson, Bill | aerostat | NEW |
| 17 | Warner | DNI Flag | 1567 |
| 18 | Graham | sec 712—Health | 1358 |
| 19 | Warner | Highbrite | 1560-mod; $1.5 million |
| 20 | Allard | land Conveyance | 1355-milcon |
| 21 | Warner | Acto Demil | 1559-mod; $1 million |
| 22 | Domenici | DOEmoney | 1543 |
| 23 | Lugar | Cap Cost | 1407 |
| 24 | Warner/Levin | Test Reserve | NEW |
| 25 | Vitter | DSB Study | 1471 |
| 26 | Conrad | 500 icbm | NEW |
| 27 | Thune | Space Radar | NEW |
| 28 | Roberts | JPATS | NEW; $10 million |
| 29 | Allard | Rocky Flats | 1506–mod; (tuck) |
| 30 | Santorum | Rapid iv pumps | 1329-mod; $1 million |
| 31 | Roberts | Aging Acft | NEW; $4 million |
| 32 | Lieberman | HH60 | 1434; $ neutral |
| 33 | Inouye | SROTC | NEW |
| 34 | Hutchison | NASA R&D | NEW |
| 35 | Santorum | Warhead/grenades | NEW; $1 million |
| 36 | Reed | joint small arms | 1316-mod; $5 million |
| 37 | Akaka | foreign language council | NEW |
| 38 | Ensign | point of maintenance | NEW; $10 million |
| 39 | Ensign | handheld searchlight | NEW; $4.5 million |
| 40 | McCain | Alt Acquisition | 1555-mod; |
| 41 | Byrd | Iraq and Afghanistan | 1568 |
| 42 | Durbin | Acq MDAP | 1578 |
| 43 | Dole | Berry | 1522-mod; |
| 44 | Coleman | Foreign language | NEW |
| 45 | Lott | Arrow | NEW; $80 million tuck |
| 46 | Bingaman | Field Array | NEW; $3 million |
| 47 | Domenici | Long wavelength array | 1544-mod; 6 million |
| 48 | Smith | force protection | NEW |
| 49 | Warner | GPS | NEW |
| 50 | Kennedy | Defense business reserve | NEW; $40 million |
| 51 | Clinton | Fire protection services | 1444 |
| 52 | DeWine | Emergency services | 1534 |
| 53 | McCain | Commercial satellites | NEW |
| 54 | Murray | local education | 1348-mod |
| 55 | Nelson, Ben | parental leave | NEW |
| 56 | Warner | legal assistance | NEW |
| 57 | Akaka | Quality of life | 1404 |
| 58 | Biden | Vaccines | 1448 |
| 59 | Boxer | DOD mental | 1519 |
| 60 | Hutchison | Oral special pay | 1478 |
| 61 | Reed | nonstrategic nukes | NEW |
| 62 | Obama | Avian flu | 1453 |
| 63 | Landrieu | PTSD | 1451 |
| 64 | Dole | Mental Health counselors | NEW |
| 65 | Feingold | Travel | 1367 |
| 66 | Thomas | vets objects | 1469 |
| 67 | Sarbanes | fed charter korea | 1445 |
| 68 | Clinton/Collins | financial services | NEW |
| 69 | Kerry | Dependent housing | 1502 |
| 70 | Leahy | BAH | 1424 |
| 71 | Levin | BRAC tribes | 1495 |
| 72 | Byrd | chaplain | NEW |
| 73 | Dodd | call to service | NEW |
| 74 | Santorum | home school | NEW |
| 75 | Warner | tech to NGR | NEW |
| 76 | Conrad | Predator | 1548; IFF funds |
| 77 | McCain | recruit and retention | NEW |
| 78 | Feingold | Foreign language | NEW |
| 79 | Kerry | Project Sheriff | NEW |
| 80 | Allard | High altitude | 1362-mod |

Mr. WARNER. By way of historical context, I would like to point out the following: There is an unbroken record for the last 45 years of Senate history that the Senate has passed an annual Defense authorization bill. The Senate and House have come to a conference agreement on and the President has signed that conference into law as the National Defense Authorization Act. Only once before has the chairman of the Armed Services Committee had to resort to the rare parliamentary procedure of proposing that that bill, the entire Defense authorization bill, be placed upon another legislative matter. That was in the year 1988.

Time is short. We must be reasonable in the amount of time we have been debating both the authorization bill and the appropriations bill. I ask for my colleagues' consideration and restraint in offering amendments to the appropriations bill, as well as to the authorization bill, hopefully, to achieve the unanimous consent agreement, which I hope will be offered in the next few days, to enable the authorization bill to become a freestanding bill with a designated number of amendments, with designated time agreements, and a clear estimate for both the Republican and Democratic leaders as to the number of days that would be required for completion. That will all be set forth, hopefully, in the next few days in a UC request.

We must be aware of the importance of the measure, the authorization bill. Hundreds of thousands of soldiers, sailors, airmen, marines, guardsmen, Active Reserve and National Guard, and countless civilians who support military, diplomatic, and humanitarian operations are serving valiantly in Iraq, Afghanistan, and other locations to secure our national security. This bill would provide them a broad range, literally a million-plus individuals in uniform and civilians, with better equipment to do their daily jobs and enhanced quality of life for themselves and their families through pay raises and benefits and the like.

For example, without this bill being acted upon by the Senate, we could not increase the death gratuity to $100,000, which the Senate strongly desires, for survivors of military members whose death resulted from wounds, injuries, or illnesses incurred under combat-related conditions or in a combat operation or a combat zone. We could not increase TRICARE benefits for the children of survivors. We could not provide the military services with the authorities for bonuses and other incentives needed to meet the troublesome recruiting situation today. We could not implement new assistance to school districts with significant enrollment increases in military-dependent students to stop troop relocations, creation of new units, and realignments under the BRAC Commission and, above all, the annual pay raises which the Congress provides for the men and women.

In addition to the above, the threat reduction program, which is designed to keep nuclear materials and expertise away from terrorists, would expire. Weapons systems costs would increase

because multiyear procurement authorities would not be enacted. Special acquisition authorities designed to facilitate the rapid procurement of technologies to prevent casualties from terrorist roadside bombs, or IEDs, would fail to go into effect. Military construction and family housing programs would be jeopardized, including over $1.5 billion to fund projects in support of communities that will be affected by the 2005 BRAC round, if that is eventually becoming law. These are a few of the essential authorities contained in the legislative provisions of this year's bill, something that I am proud to say the Senate Armed Services Committee has worked on since January of this year and resulted in 278 legislative provisions as contained in this bill.

I respectfully ask my colleagues to support my efforts and that of Senator LEVIN in bringing the Defense authorization bill to the floor.

As I said, I rise on behalf of myself and Senator LEVIN to announce that we have taken what I consider extraordinary action by filing two amendments to the pending bill. It is with great reluctance that I propose these amendments to the Defense Appropriations Act. But I do so only with the interests of the men and women of our armed forces at heart.

The first amendment consists of the National Defense Authorization Act for Fiscal Year 2006—including not only the version of the bill unanimously reported out of the Armed Services Committee on May 17, but also 31 amendments added to the bill when it was on the floor in July.

Senator LEVIN and I, with our respective leaders, are trying to work out a unanimous consent agreement that would return the Defense authorization bill to the floor as a stand-alone bill. However, in the absence of that agreement, we have to leave open the option of including this bill on another legislative vehicle. The Defense authorization act is just too important to our soldiers, sailors, airmen and Marines and the national security of our country for the Senate not to complete action on the bill. If we cannot do this as a stand-alone bill, we need to find another way to bring this bill into law.

The second amendment we are offering today contains additional amendments that are agreed and ready to be included in a ''managers' package'' to the Defense authorization act. I offer this amendment to illustrate to my colleagues the significant progress that has been made on this bill so far. This new managers' package contains 80 amendments on behalf of 67 Senators. Together with the action already taken on this bill in July, our colleagues can clearly see that nearly every U.S. Senator has made an important contribution to the Defense authorization act.

I am committed to making this ''managers' package'' the first amendment to be considered to the Defense authorization bill once it is taken up as a separate bill. We are not finished reviewing proposed amendments. The committee is still working through a number of amendments that I expect would be included in a second managers' package.

Since January 1961, the Senate has passed an annual Defense authorization bill. Each and every year, for 45 years, the Senate and the House have come to a conference agreement on and the President has signed into law a National Defense Authorization Act. Only once before has the chairman of the Armed Services Committee had to resort to the rare parliamentary procedure of proposing to put the entire defense authorization bill on another bill. This occurred in 1988. As the custodian of this important piece of legislation, I find I am left with very few options this year to ensure Congress can adequately support our troops by passing this bill.

I, with my friend CARL LEVIN, am willing to do whatever it takes to pass this bill. Time is short and we must be reasonable in the amount of time we spend debating this bill. I ask for my colleagues' consideration and restraint in offering additional amendments to this bill and to support a unanimous consent agreement to limit the number of contentious amendments that may require time to debate on the floor. At the same time, Senator LEVIN and I pledge to work with Senators to accept as many amendments as possible in a managers' package.

Our responsibility to consider and pass the Defense authorization bill goes beyond statutory requirements, floor schedules, and historical precedent. We must also be aware of the importance of this measure to our men and women in uniform around the world. Hundreds of thousands of soldiers, sailors, airmen, Marines, and Coast Guardsmen—active, reserve, and National Guard—and, countless civilians who support military, diplomatic and humanitarian operations are serving valiantly in Iraq, Afghanistan, and other locations to secure hard-won military successes and to preserve peace and freedom. This bill will provide them with better equipment to do their daily jobs, and an enhanced quality of life for themselves and their families. Together we can and must complete this bill for them.

Without this bill, DoD could not, for example, increase the death gratuity to $100,000 for survivors of military members whose death resulted from wounds, injuries, or illnesses incurred under combat-related conditions or in a combat operation or a combat zone; increase TRICARE benefits for the children of survivors; provide the military services the authorities and pays needed to enhance recruitment and retention in the active and reserve forces; and implement new assistance to school districts with significant enrollment increases in military dependent students due to troop relocations, creation of new units and realignments under BRAC.

In addition, authorities related to the Cooperative Threat Reduction Program which is designed to keep nuclear materials and expertise away from terrorists would expire. Weapon systems costs would increase because multiyear procurement authorities would not be enacted. Special acquisition authorities designed to facilitate the rapid procurement of technologies to prevent casualties from terrorist roadside bombs or IEDs would not go into effect. Military construction and family housing programs would be jeopardized, including over $1.5 billion to fund projects in support of the 2005 BRAC round.

These are just a few of the essential authorities contained in the 278 legislative provisions in this year's bill.

So I ask my colleagues to support Senator LEVIN's and my efforts to bring the Defense authorization bill to the floor. We are all mindful of the risks members of the U.S. Armed Forces face every day and of the sacrifices made by the families and communities that support them. Our men and women in uniform have been asked to do much in the past year, and they have responded in the finest traditions of the generations of Americans that preceded them. The American people are proud of their Armed Forces for what they have accomplished, and for the manner in which they represent American values and the generosity of America. It is time for us in the Senate to do our part.

With the understanding that the two bills are filed, I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN.) The amendments will be filed for the RECORD.

Mr. LEVIN. Mr. President, I join the Chairman of the Senate Armed Services Committee in filing the National Defense Authorization Act for Fiscal Year 2006, as an amendment to this bill. I also join the chairman in filing a managers' amendment incorporating many of the amendments that Members are offering to our bill. We and our staffs are working hard, and hope to clear more amendments as we move forward.

This is not our preferred approach to this issue. We have always brought up and completed action on the Defense authorization bill as a freestanding bill in the past, and we would prefer to do so this year. Indeed, we have made and are continuing to make every effort to do so. I remain optimistic that we will be able to reach agreement to proceed to and complete action on the Defense authorization bill and that it will not be necessary to take up this amendment.

This bill was unanimously reported out of the Armed Services Committee all the way back in May. It was brought to the Senate floor 2 months later, at the end of July. In the last week before the August recess, we attempted to enter a unanimous consent agreement which would have concluded debate on the bill in less that 2 days.

Unfortunately, the Republican leadership rejected this proposal and pulled the bill off the floor before action could be completed, so that the Senate could instead consider the gun manufacturers' liability bill.

Since that time, we have made every effort to bring the bill back up as a freestanding measure, but without success. We have repeatedly asked the Republican leadership for floor time. We have offered to enter into agreements regarding the relevance of amendments, and the number of amendments, so as to limit the amount of time that would be taken by debate. So far, none of these efforts have borne fruit.

Mr. President, more than 4 months have now passed since this bill was reported out of the Armed Services Committee. The fiscal year covered by the bill began last week. The Senate truly needs to consider this bill, and if bringing it to the floor as an amendment is the only way to get that consideration, we have an obligation to try.

At a time when members of our Armed Forces are performing heroically, both at home and overseas, to make our country safer and stronger, our military both needs and deserves all of the support that this Congress can provide. More than 70,000 active duty and National Guard troops have been sent to the gulf coast to assist in the recovery from Hurricane Katrina. These troops are playing a critical role in conducting search and rescue missions, evacuating displaced persons, providing security in impacted areas, delivering essential food, water and medicine, and rebuilding damaged infrastructure throughout the region.

At the same time, roughly 138,000 U.S. soldiers, sailors, airmen and marines are engaged in taking on an aggressive insurgency in Iraq, another 17,000 remain in harm's way in Afghanistan, and tens of thousands more are supporting the war effort through deployments thousands of miles from home. Our Armed Forces also continue to bear the brunt of the continuing effort to keep the peace in Kosovo and the Sinai, and contain the threat of North Korea—while remaining prepared to execute other missions in support of the national military strategy.

Some of these troops deployed overseas are from the gulf coast area. Some will soon return home to find that Katrina has damaged or destroyed their homes. Some will have nothing left. Passage of the national Defense bill will improve their quality of life while they remain on active duty and when serving on hurricane recovery duty. It will send an important message to them and to their families that we, as a nation, understand their loss and appreciate their service. Failure to pass the Defense bill would send the opposite message.

At a time when members of our Armed Forces are performing heroically, both at home and overseas, to make our country safer and stronger, it would be unconscionable to give the Defense authorization bill less than top legislative priority. Our military both needs and deserves all of the support that this Congress can provide.

First and foremost, the Defense authorization bill would support our troops by improving compensation and quality of life for our service men and women and their families as they face the hardships imposed by continuing military operations within the United States and around the world. For instance, the bill would provide funding for a 3.1 percent across-the-board pay raise for military personnel; a $70 million increase in childcare and family assistance services for military families; and $50 million in supplemental educational aid to local school districts affected by the assignment or location of military families.

The bill would also provide needed funding for the continuation of our military operations in Iraq and Afghanistan. For example, the bill would authorize a $50 billion supplemental for continued operations in Iraq and Afghanistan, add hundreds of millions of dollars to the President's budget needed for force protection gear, up-armored vehicles, and a Joint Improvised Explosive Device Task Force, increase the Army's active-duty end strength by 20,000, and authorize the continuation of the Commanders' Emergency Response Program.

If we fail to enact this bill in a timely manner, we will hurt our men and women in uniform. The military's authority to pay bonuses and special pays to our men and women in uniform would expire, exacerbating an already troublesome problem we are facing with recruitment and retention. The enhanced death gratuity of $100,000 and the increased life insurance benefits that we enacted for servicemembers earlier this year would lapse and substantially lower benefits would be reinstated. More than $6.0 billion in military construction and family housing projects to improve the conditions in which our servicemembers work and live would be unable to proceed.

The Senate obviously has a lengthy agenda for the rest of the year. Some of the items on this agenda are undoubtedly important, but we should not pursue them at the expense of our men and women in uniform. If we truly value the contribution that our Armed Forces have made and continue to make every day at home and abroad, we should take up and pass a Defense authorization bill—preferably as a freestanding bill but, if not, as an amendment to the pending legislation.

Mr. STEVENS. Mr. President, the Senator from Hawaii and I understand full well the problems facing the chairman and ranking member of the Armed Services Committee. We want to work with them to the maximum extent possible. However, as we have informed the chairman, the Senator from Virginia, we feel that bringing that bill here without a time agreement, to call it up without a time agreement, would mean that we would face some 100 to 200 amendments, as the chairman and ranking member of the Armed Services Committee have faced in the past. In my conversations with Department of Defense officials, particularly the uniformed members of that Department, it is clear that we must have this bill to the President and signed before the middle of November. The Appropriations Committee had a series of reprogramming of 2006 moneys, done just before September 30, to assure that liquidity was there to maintain our forces in the field. Under the continuing resolution, we have no such flexibility now.

The flexibility that comes from having a full year's bill out in front of the Department is absolutely necessary at this time. We are at war. We are involved in a global war on terror. If anyone heard General Abizaid's briefing for us and the one that was done publicly, we have to realize that we are facing what looks like the beginning of a new crusade by militant terrorists of the Islamic world. We cannot afford to delay this bill.

I say to my good friend—and it is not just a word of art here on the floor; we have been friends for many years—we cannot take on this burden unless we get a time agreement. The Senator's bill, as an amendment to our bill, is subject to a point of order. We will not raise that point of order because it should be before us. And the Senate should know it is possible to complete both of these bills by Friday, if we would work together. But we need to complete this bill by Friday in order that when we are not in session, due to the holidays of the following week, our staffs can pull together the conference report documents and be ready to go to conference when we come back on October 17 or 18 of this month. It will take some time to conference just the Appropriations subcommittee bill. I am certain it will take substantial time to conference the Armed Services bill in conference.

What worries me is, if that Armed Services bill becomes part of our conference, then we have an extremely difficult time if the House and Senate Armed Services Committee cannot complete their conferences in the same period of time that we would complete the conference on the appropriations bill. But we are all in this together. We know that there are provisions in the appropriations bill that require authorization. A substantial part do not. A substantial part are under general authority of appropriations for people in the field, for the armed services and for the operation and maintenance items that are in the bill and also those that are involved with continuing authorizations for various types of acquisitions and equipment.

We look forward to working with the Senator from Virginia. He does an excellent job as chairman of the Armed Services Committee. We are delighted that he is pressing hard for his bill because it is necessary. For instance, the

size of the pay raise, the size of the COLA, the size of various adjustments made between the various functions of the Department, all are necessary.

The annual items in this bill require authorization. Those that are a continuing part of defense operations, we can and should fund, notwithstanding the Armed Services bill might not have passed by the time we get this bill to the President to sign.

Above all, money for Afghanistan and Iraq is a supplemental attached to our bill. It is within our bill. It is $50 billion that is absolutely necessary to continue our operations there at a very critical time with the election coming up over there to approve their constitution and then, following that, the election of their officials. We have had to send additional people over there—not as many as we did for the first election over there, but there has been a flow of people over there. That money will come out of the $50 billion that is in this bill for operations for the future in regard to Iraq and Afghanistan and that portion of the war on terror.

I do believe the Senator from Virginia understands our situation.

Does the Senator from Hawaii wish to make any comments? I think we are in agreement on this position. We welcome the Senators' initiative and hope it works.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, there are no two individuals in the Senate today that have a finer reputation for Senatorial courtesy and for the need for our national defense legislation than the two managers of the appropriations bill, the Senators from Alaska and Hawaii, both of whom have had such distinguished careers in the uniform of the country in which we all take such pride.

Both of these individuals have conferred with my colleague, Senator LEVIN, and with me about the measures I have taken today. Senator STEVENS very carefully pointed out to me exactly what he has said—his grave concern, understandable concern, and proper concern about the imperative need of the passage of the appropriations bill. In no way is it the intention of this Senator or Senator LEVIN to try to unduly delay that bill.

We will see whether a time agreement is achievable, either for consideration of our bill for a brief period of time, on the appropriations bill, or by virtue of a UC as a freestanding bill. I urge we try and do it on this bill.

The Senator pointed out the exigencies of conferences. In my research, there are several options on how to conduct a conference on these two bills. I am sure we can work out a method to do so. For example, it may be possible to split off the authorization bill prior to final passage of the appropriations bill in order to facilitate two separate conference reports. If that is not possible, the chairman of the subcommittee on appropriations could decide to hold what would be basically two conferences—one of the authorizers, one of the appropriators. But nevertheless, the appropriators would have overall control and only one conference report would be voted on by the Senate. I think either of these options could be achieved here. Certainly, I know Senator LEVIN and I would work to these ends. But I also bring to the attention of the managers, we all know full well there are several amendments—I shall not try to characterize them other than to say there are several amendments that are to be brought against the authorization bill which, I am inclined to believe, will be brought against the appropriations bill should we not move ahead with the authorization bill so those amendments can be authorized on this bill.

There is a strong conviction among a number of my colleagues—I don't agree, but I respect them—to have a commission to study how this country deals with its detainees and other commissions that are in the minds of others.

I don't think, unless there is clarity as to what is going to happen to the authorization bill, that you can rule out the possibility that one or more of these amendments might be directed in the next few days against this bill, with the best of intentions, and those would be time-consuming matters, I assume.

Mr. STEVENS. Will the Senator yield, Mr. President?

Mr. WARNER. Yes, of course.

Mr. STEVENS. It is not for a question but for a statement.

Mr. WARNER. I yield the floor, Mr. President.

Mr. STEVENS. Mr. President, the Senator from Hawaii and I have opposed filing cloture on the Defense appropriations bill in the past. It has not been necessary. As a matter of fact, in the past years, this bill has taken from 3 to 5 hours on the floor because it is a bipartisan bill. It is a bill that comes out of our subcommittee and the full Committee on Appropriations unanimously. Our staffs work tirelessly to make sure we cover every single possible objection or concern.

But this year, it appears to me, because of the timeframe I have mentioned, I am constrained to consult with my friend from Hawaii to seek the filing of cloture on Wednesday because if we do not vote by Friday, we are going to be into November before we even get this bill off the floor. We just cannot do that now.

I hope the Armed Services Committee members and all those who have amendments will keep in mind the timeframe. The way these holidays are coming at us, and because of the schedule, we must get this bill to the House for conference before the first of November. It is going to be very difficult to do unless we finish the bill by October 7.

I want the Senate to know, despite a longstanding policy of opposing cloture on the Defense bill, the timeframe that is involved in the consideration of this bill now, because of many things that are not under the control of anybody—two vacancies on the Supreme Court and various other matters that we have taken up that have taken prolonged time on the floor—we are very late in considering this bill.

I know the Senate understands the problem of funding when we have men and women who are overseas, particularly in a time of war. There is no way we can possibly consider taking off on Friday and not coming back until a week from the following Monday if this bill has not been passed. I urge the Senator to keep that in mind.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for not to exceed 10 minutes each.

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

## NOMINATION OF HARRIET MIERS TO THE SUPREME COURT

Mr. WARNER. Mr. President, I join the distinguished majority leader and others who have spoken on behalf of the President's nomination of a very distinguished member of the bar of the State of Texas and, indeed, the profession of law all across America, where she has, through many years of long and arduous adherence to the profession of law, distinguished herself in so many ways.

I had the privilege over the years of working with Harriet Miers. I have the highest respect as a fellow lawyer for her professional abilities and her standards of ethics and conduct. I think she is a superb nomination. I commend the President of the United States. If I may say, in this season of our sports, he has hit another home run.

Mr. President, well done.

## TRIBUTE TO CORNELIA ''NEAL'' VAUGHAN

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a proud Kentuckian, community leader, and good friend, Mrs. Cornelia ''Neal'' Vaughan. Neal, like her uncle, the late Senator John Sherman Cooper, is sincerely dedicated to improving the lives of Kentuckians, and she does so

through her extensive volunteer work. Neal is a founding member of the Fayette County Drug Court and served on the National Association of Drug Court Professionals Board of Directors. She has worked with the Junior League, God's Closet, the Governors Inauguration Committee, the Sayre School Board, and the Hope Center for Women. Neal is also on the board for the Kentucky Governor's School for the Arts, but her greatest accomplishments lie in her role as president of the board of directors for the Chrysalis Community Center in Lexington, KY.

The center assists women recovering from substance abuse addiction and counsels the children of these women on substance abuse prevention. Chrysalis uses a combination of the 12-step program originated by Alcoholics Anonymous and Narcotics Anonymous, long-term living arrangements, and a caring and nurturing environment to ensure women and their families live fulfilling lives free of abusive substances. On Friday, September 23, 2005 the center recognized Neal for the vital role she has played in its expansion by dedicating the center's community center in her honor. Neal has given her all to the center's important mission: restoring hope and dignity in women's lives.

On September 21 of this year, The Lexington Herald-Leader published an article highlighting the Chrysalis Center's success and Neal's contribution. I ask that the full article be included in the CONGRESSIONAL RECORD.

[From the Lexington Herald-Leader, Sept. 21, 2005]

CHRYSALIS, THE HOUSE THAT NEAL BUILT UP

(By Robin Roenker)

A mural of brightly colored butterflies accentuates the sky-blue walls of the entry to Lexington's Chrysalis Community Center.

It's the type of room that makes you feel better just by entering it. A room that says, you're welcome here. This is a safe place to be.

And to the women who use Chrysalis House's services—women who are recovering from substance addiction—it says something else. A message many of them have not heard often enough: ''You're a good person. You deserve treatment with dignity.''

For two decades, that message has been the motivating theme behind Cornelia ''Neal'' Vaughan's volunteer work with Chrysalis House.

As president of the agency's board of directors for 16 of the past 18 years, Vaughan has overseen Chrysalis House's growth from a single, 12-person-capacity facility on Maxwell Street for women recovering from substance addiction into a multi-faceted agency with three transitional treatment facilities, 50 apartments, an 18,000-square-foot community center and programs to help place graduates in their own permanent housing. Currently, Chrysalis House's six facilities are home to 114 women and 100 children, with 160 more women on waiting lists.

Vaughan, who will be honored at a ceremony Friday, can detail every step of Chrysalis House's development.

She can detail them because she was there, say her fellow Chrysalis House board members, every step of the way. Raising money. Submitting grant proposals. Identifying facility sites. Recognizing the women's needs and finding partners in the community to help meet them.

But not only that. Despite her penchant for wearing pearls and high heels, she was also there to clean out shower stalls, pull weeds from the grounds and serve food in the dinner line, said Lisa Minton, Chrysalis House's executive director.

''She is the heart and soul of our organization,'' Minton said.

''Neal has been very inspirational in her vision,'' added Julie Hamilton, who assumed Vaughan's position as president of the Chrysalis House board of directors in July. ''She's the first to say that this is all about the women and children. And her passion has been very contagious.''

To recognize Vaughan's longstanding leadership and volunteer work on behalf of women and children in the community, the Chrysalis House board of directors is dedicating the Chrysalis Community Center, which opened in 2003 on the house's new eight-acre campus on Hill Rise Drive off Versailles Road, in honor of Vaughan.

A plaque will be hung in Vaughan's honor. Speakers will include Kentucky first lady Glenna Fletcher and Beverly Watts Davis, director of the U.S. Department for Health and Human Services Center for Substance Abuse Prevention.

NO GOOD VS. BAD

''With substance abuse, it is not a good or bad issue,'' said Vaughan, 57. ''It is a sick or well issue.''

That philosophy motivates the program's holistic approach to treating the women who come to Chrysalis House. The women receive addiction treatment as well as help with reclaiming their lives, jobs and families.

When Chrysalis House first opened, ''women were coming in and getting sober, but they had so many other issues,'' Vaughan said.

''I realized that even though they were staying in our facility for 10 months or a year, they were leaving without parenting skills or a job,'' she said. ''If you're going to rehabilitate someone, you have to really rehabilitate them. You need to find the gaps where they need help, and help them fill those in.''

Now, participants take part in required job skills classes and work one-on-one with tutors and counselors during their stay, so that when they leave Chrysalis House, they're ready to ''pick up their lives, and have a productive life they feel good about,'' she said.

Studies of Chrysalis House participants show that 80 percent are still sober, still have custody of their children, and are still employed a year after they moved out of the apartments, Vaughan said.

DOESN'T TAKE ''NO''

Much of the credit for Chrysalis House's growth goes to Vaughan's tenacity in raising support for its programs and educating the community to ''break down the stigma surrounding substance addiction,'' Hamilton said.

''She helped open community doors to a better understanding of the disease of addiction itself,'' she said. ''Plus, she's the type of person you can't say 'no' to. She never gives up.''

In addition to her work with Chrysalis House, Vaughan is a founding member of the Fayette County Drug Court. She serves on the board of the Governor's School for the Arts and has fulfilled another of her passions—organizing big events—through work with the Governor's Inauguration Committee and the Lexington Ball, which supports the University of Kentucky Markey Cancer Center. She was recently appointed to the national board of the Center for Substance Abuse Prevention.

Vaughan attributes her passion for community service to the example set by her parents, Richard and Cornelia Cooper of Somerset, who remain active volunteers. She credits her longevity as board president to the support and understanding of her sons Cooper and Stoll, and her husband, Derek, chairman of G.F. Vaughan Tobacco Company.

Two years ago when Derek asked her what she wanted for their 30th wedding anniversary, he wasn't surprised by her answer: All new furniture for the First Step House on Chrysalis Court.

That is what she got—along with a new strand of pearls.

## TRIBUTE TO OFFICER LONNIE TABRON

Mr. WARNER. Mr. President, I rise to make a floor statement on behalf of a member of our Senate family.

I, like so many other Senators, come into a particular entrance here in the Senate as I drive in in the morning.

I rise today to pay tribute to Officer Lonnie Tabron. Officer Tabron retired from the Capitol Police on Saturday, October 1, 2005, having completed 22 years of distinguished service since his first day on the force, May 4, 1983.

Lonnie Tabron was born in Washington, DC, in July 1949, and he received his education in the District's public school system, where he always strived for excellence. After graduating from high school, Lonnie served the United States of America in the Armed Forces in Vietnam. He ably answered the call to duty and throughout his term in the Army, rising to the rank of sergeant, he represented our Nation with valor and integrity.

During his distinguished career as a Capitol police officer, Lonnie worked 21 years on the Senate side of the Capitol. With his assignment to the ''barricade,'' as it is referred to, on the Delaware and C Street entrance, Lonnie became friends with my colleagues and staff alike.

In the many years I entered that entrance, this fine man—whether it was bitter cold or intensely hot, raining or sleeting—always approached my vehicle, as all others, with a big smile on his face. In those days, when I guess my spirits were low, as I came, he lifted those spirits. He always had a warm smile and an enthusiastic ''Good morning, Senator.'' It has been my pleasure to receive those greetings, as I say, these many years. I shall dearly miss him.

Lonnie Tabron's philosophy in life consists of three main principles, and he sought to apply these important lessons to his career with the Capitol Police. Every day, Lonnie has remembered to treat others as he would like to be treated, to speak to others as he would like them to speak to him, and to respect others with the same measure of honor that he would expect from them. I believe these three traits are exceptionally appropriate, and Lonnie certainly embodied his beliefs in his service on Capitol Hill.

In his 22 years on the Capitol Police Force, Lonnie has demonstrated a willingness to help anyone who was in need. I appreciate very much his dedication to his job and his remarkable professionalism. As he enters his well-deserved retirement, Lonnie will be dearly missed by those who have had the opportunity to make his acquaintance. It is my honor and privilege to commend his outstanding service today and to wish him well in the years ahead.

I thank my senior staff member, Awilda Euill, who is with me on the floor today, a longtime admirer of Lonnie's. She assisted me in the preparation of this statement.

## ADDITIONAL STATEMENTS

### CONGRATULATING JUDGE FRANCIS X. HENNESSY ON THE OCCASION OF HIS 75TH BIRTHDAY

• Mr. LIEBERMAN. Mr. President, Judge Francis X. Hennessy is no stranger to public service. Since 1976, when he began his service on the juvenile court, to his service as an appellate trial referee today, he has distinguished the State of Connecticut with his example of integrity and honor.

As remarkable as Judge Hennessy's record is, with service on the Connecticut Superior Court, deputy chief court administrator of the Judicial Branch, and as judge of the Appellate Court, even more impressive is his dedication to social equity. He has been a strong advocate for insuring equal access to the courts for women and minorities, co-chairing the Connecticut Task Force on Gender Justice and the Courts, and Connecticut's Task Force on Minority Fairness.

Judge Hennessy's grandchildren Teddy, John and Grace and his children Maura, Margaret Mary, Matthew and Mark must be proud to have such an exemplar of achievement to look up to. His wife Mary Frances celebrates and shares in Judge Hennessy's accomplishments on this occasion of his 75th birthday.

In addition to his legal career, Judge Hennessy served his country with bravery in the U.S. Army during the Korean conflict. He received the Purple Heart and Combat Infantryman's Badge. For this man, the call of duty extended beyond military service to enriching the community around him. He also served on Connecticut's State Library Board, on the Sheriff's Advisory Board, and the State Gaming Commission.

Judge Hennessy was born on September 11, 1930, in New York City, and has been a faithful servant of the State of Connecticut for the duration of his career. We in the U.S. Senate are proud and honored to congratulate Judge Hennessy on his many years of public service and offer him best wishes on the occasion of his 75th birthday.•

### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 30, 1999, a 23-year-old disabled man was lured into an apartment in Keansburg, NJ. He was subjected to 3 hours of torture at the hands of 9 men and women. According to police, the abusers knew the man from their neighborhood, and ridiculed him constantly because of his disability.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

### LCPL JAMES R. SARGENT, UNITED STATES MARINE CORPS

• Mr. ROCKEFELLER. Mr. President, it is with great pride that I rise today too honor and commend the service of a true West Virginia hero. LCPL James R. Sargent of the United States Marine Corps was one of many West Virginians who courageously fought in the Vietnam War. Lance Corporal Sargent's service was a testament to West Virginia's long storied patriotic tradition. A tradition that can be traced back to the days of George Washington, and one that is very much alive today. In the spirit of West Virginia patriotism, I praise Lance Corporal Sargent for his honorable service and contribution to our country.

On October 7, 2005, after having been declared Missing in Action for over 37 years, LCPL James R. Sargent will finally be laid to rest at Arlington National Cemetery. Lance Corporal Sargent was listed as missing on May 10, 1968, as his platoon provided artillery support in defense of the Civilian Irregular Defense Group camp known as Ngok Tavak. The Marine detachment was attacked by a prepared and well-equipped Viet Cong and North Vietnamese battalion of troops. For their bravery in battle, Lance Corporal Sargent's platoon received the Meritorious Unit Commendation from then Secretary of the Navy L.F. Chapman, Jr.

Lance Corporal Sargent was a native West Virginian from Anawalt in McDowell County. Like so many West Virginians, past and present, Lance Corporal Sargent heeded the Nation's call for service, and they deserve our gratitude and deep respect. I am honored to be able to pay respects to this brave West Virginian and his family and friends. After many years full of questions and grief, I hope that Lance Corporal Sargent's loved ones may finally have much deserved closure and peace of mind. His surviving family, friends, and fellow veterans should all be proud of his service, patriotism, and commitment to his country and its defense. For that matter, all Americans should be proud.

I ask that we all take a moment to remember all of the American soldiers who gave their lives in service to their country.•

### JEWISH COMMUNITY RELIEF EFFORTS

• Mr. WYDEN. Mr. President, I would like to take a moment to recognize and give thanks to the Jewish community's tremendous relief efforts in the aftermath of the Hurricane Katrina disaster. Countless Jewish individuals and organizations have stepped up to combat this national crisis, providing the victims of Hurricane Katrina with money, supplies and volunteers, while opening the doors of their homes, schools and synagogues.

I would like to highlight a few of these efforts.

Millions of dollars haven been raised in the name of the Katrina victims. The United Jewish Communities, local federations throughout the United States and Canada, and their partners have raised at least $14 million, including a $500,000 donation given by the Baltimore-based Harry and Jeanette Weinberg Foundation Inc. The Weinberg Foundation gave another $500,000 to Catholic Relief Charities. A smaller, but no less inspiring, fund was raised by students of the Sacramento, CA Shalom School, which donated proceeds from sales of their Rosh Hashanah honey pots.

Educational aid for displaced students has come from Jewish organizations such as the Avi Chai Foundation, a group sending emergency grant money to the dozens of Jewish day schools that are admitting evacuees into their classrooms. And the Jewish Agency for Israel, MASA—the Gateway to Long-Term Israel Programs and Hillel are coordinating efforts to allow displaced students to take classes at Israeli universities.

I would also like to recognize the synagogues that are contributing their resources to the effort by providing housing, schooling and free synagogue memberships—even adopting other synagogues in impacted states damaged by the storm.

But the Jewish assistance provided to the victims of Hurricane Katrina does not stop at our borders. The State of Israel has been incredibly generous as well, donating 80 tons of supplies including 15 tons of bottled water, 4 tons of rations, 4 tons of diapers, 1 ton of baby food, Medical supplies including adult and children's wheelchairs and

crutches, thousands of first-aid kits and thousands of blankets and cots. They have also sent teams of professionals trained in disaster relief to assist victims of this terrible disaster, including doctors, paramedics, mental health professionals, search and rescue teams and disaster relief planning and operations specialists.

In times such as these, it is critical that people of all faiths come together to help those in need and I am proud to see that the Jewish community has stepped up and met the challenge head on.●

## MESSAGE FROM THE HOUSE

### ENROLLED BILL SIGNED

At 3:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3863. An act to provide the Secretary of Education with waiver authority for the reallocation rules in the Campus-Based Aid programs, and to extend the deadline by which funds have to be reallocated to institutions of higher education due to a natural disaster.

The enrolled bill was signed subsequently by the President pro tempore (Mr. STEVENS).

### ENROLLED JOINT RESOLUTION SIGNED

The following enrolled joint resolution, previously signed by the Speaker of the House, was signed on Friday, September 30, 2005, by the President pro tempore (Mr. STEVENS):

H.J. Res. 68, Joint resolution making continuing appropriations for the fiscal year 2006, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4056. A communication from the Acting Deputy Assistant Administrator for Operations, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Extension of Commercial Trip Limits for Gulf of Mexico Grouper Fishery'' ((RIN0648–AS97) (I. D. No. 020405D)) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4057. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries; Temporary Rule; Inseason Retention Limit Adjustment'' (I.D. No. 080405B) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4058. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #5—Adjustments of the Recreational Fishery from Cape Alava, Washington, to Cape Falcon, Oregon'' (I.D No. 080805A) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4059. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Shore-based Sector and the Resumption of Trip Limits'' ((RIN0648–AS27) (I.D. No. 081605C)) received on September 18, 2005 to the Committee on Commerce, Science, and Transportation.

EC–4060. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska'' (I.D. No. 082905B) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4061. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (I.D. No. 081805B) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4062. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (I.D. No. 082905D) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4063. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (I.D. No. 082905) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4064. A communication from the Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 081705) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4065. A communication from the Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 081705G) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4066. A communication from the Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/'Other Flatfish' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 081705E) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4067. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Lottery in Areas 542 and 543'' (I.D. No. 081605D) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4068. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska'' (I.D. No. 082405A) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4069. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska'' (I.D. No. 082405B) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4070. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea Subarea'' (I.D. No. 082505A) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4071. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area'' (I.D. No. 082305B) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4072. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled ''Magnuson Act Provisions; Fisheries off West Coast States and in

the Western Pacific; Pacific Coast Groundfish Fishery; Pacific Whiting; Fishery Closure'' ((RIN0648–AT69) (I.D. No. 081005A)) received on September 21, 2005 to the Committee on Commerce, Science, and Transportation.

EC–4073. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Services Surveys: Cancellation of Five Annual Surveys'' (RIN0691–AA59) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4074. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Removal of License Requirements for Exports and Reexports to India of Items Controlled Unilaterally for Nuclear Nonproliferation Reasons and Removal of Certain Indian Entities from the Entity List'' (RIN0694–AD44) received on September 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4075. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions and Clarifications to the Export Administration Regulations'' (RIN0694–AD30) received on September 21, 2005; to the Committee on Commerce, Science, and Transportation.

EC–4076. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 05–225–05–235); to the Committee on Foreign Relations.

EC–4077. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2006'' (RIN0938–AO00) received on September 26, 2005; to the Committee on Finance.

EC–4078. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Part A Premium for Calendar Year 2006 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement'' (RIN0938–AO01) received on September 26, 2005; to the Committee on Finance.

EC–4079. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible for Calendar Year 2006'' (RIN0938–AO02) received on September 26, 2005; to the Committee on Finance.

EC–4080. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Weighted Average Interest Rates Update Notice—Pension Funding Equity Act of 2004'' (Notice 2005–67) received on September 26, 2005; to the Committee on Finance.

EC–4081. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Hurricane Katrina Relief—Section 401(k), etc., Hardship Distributions'' (Announcement 2005–70) received on September 26, 2005; to the Committee on Finance.

EC–4082. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disaster Relief—Minimum Funding'' (Notice 2005–60) received on September 26, 2005; to the Committee on Finance.

EC–4083. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Refugee Resettlement Program; to the Committee on the Judiciary.

EC–4084. A communication from the Interim Staff Director, United States Sentencing Commission, transmitting, pursuant to law, the Commission's 2003 Annual Report and Sourcebook of Federal Sentencing Statistics; to the Committee on the Judiciary.

EC–4085. A communication from the Regulations Coordinator, Office of HIPAA Standards, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''HIPAA Administrative Simplification: Standards for Electronic Health Care Claims Attachments'' (RIN0938–AK62) received on September 26, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–4086. A communication from the Acting Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''31 CFR Parts 356, 357, and 363'' received on September 26, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–4087. A communication from the Acting Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''31 CFR Parts 306, 315, 353, 357, 360, and 363'' received on September 26, 2005; to the Committee on Banking, Housing, and Urban Affairs

EC–4088. A communication from the Acting Administrator, Science and Technology Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Plant Variety Protection Office, Fee Increase'' (RIN0581–AC42) received on September 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4089. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Increased Assessment Rates'' (FV05–916–3 FR) received on September 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4090. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 1 (Scotch) and Class 3 (Native) Spearmint Oil for the 2005–2006 Marketing Year'' (FV05–985–2 IFR) received on September 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4091. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Amendment to the Peanut Promotion, Research, and Information Order'' (FV05–701–IFR) received on September 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4092. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Milk in the Mideast Marketing Area—Interim Order'' (Docket No. AO–166–A39; DA–05–01–A) received on September 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4093. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Noxious Weed Control and Eradication Act; Delegation of Authority'' (APHIS Docket No. 05–012–1) received on September 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4094. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticides; Removal of Expired Time-Limited Tolerance Exemptions'' (FRL No. 7735–8) received on September 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4095. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyridaben; Pesticide Tolerance'' (FRL No. 7738–6) received on September 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4096. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pyriproxyfen; Pesticide Tolerance'' (FRL No. 7737–8) received on September 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4097. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenpropathrin; Pesticide Tolerance'' (FRL No. 7738–7) received on September 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4098. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Kasugamycin; Pesticide Tolerance'' (FRL No. 7736–4) received on September 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4099. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Muscodor albus QST 20799 and the Volatiles Produced on Rehydration; Exemption from the Requirement of a Tolerance'' (FRL No. 7739–5) received on September 26, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4100. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law, a status report on the Great Lakes Tributary Model; to the Committee on Environment and Public Works.

EC–4101. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled

''List of Approved Spent Fuel Storage Casks: Standardized NUHOMS–32PT, –24PHB, and –24PTH Revision 8'' (RIN3150–AH77) received on September 26, 2005; to the Committee on Environment and Public Works.

EC–4102. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, the report of a rule entitled ''Endocrine Disrupter Screening Program; Chemical Selection Approach for Initial Round of Screening'' (FRL No. 7716–9) received on September 26, 2005; to the Committee on Environment and Public Works.

EC–4103. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Transportation Control Measures in the Dallas/Fort Worth Ozone Nonattainment Area'' (FRL No. 7974–7) received on September 26, 2005; to the Committee on Environment and Public Works.

EC–4104. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Indiana; Lake County Sulfur Dioxide Regulations, Redesignation and Maintenance Plan'' (FRL No. 7972–6) received on September 26, 2005; to the Committee on Environment and Public Works.

EC–4105. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''North Dakota: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 7974–3) received on September 26, 2005; to the Committee on Environment and Public Works.

EC–4106. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ocean Dumping; Site Designation'' (FRL No. 7973–8) received on September 26, 2005; to the Committee on Environment and Public Works.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1809. A bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit tax on crude oil and to use the proceeds of the tax collected to offset the cost of supplemental spending bills that are targeted to aid victims of Hurricane Katrina and Rita, and for other purposes; to the Committee on Finance.

By Mr. WARNER:

S. 1810. A bill to amend the Outer Continental Shelf Lands Act to allow certain coastal States to share in qualified outer Continental Shelf revenues; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 1811. A bill to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 1812. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah; to the Committee on Energy and Natural Resources.

By Mr. CRAIG (for himself, Mr. ROBERTS, and Mr. BROWNBACK):

S. 1813. A bill 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; to the Committee on Veterans' Affairs.

By Mr. BAYH:

S. 1814. A bill to amend the Servicemembers Civil Relief Act and the Housing and Urban Development Act of 1968 to enhance protections for servicemembers and their dependents, and for other purposes; to the Committee on Veterans' Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG (for himself and Mr. AKAKA):

S. Res. 263. A resolution commending the efforts of the Department of Veterans Affairs in responding to Hurricane Katrina; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 241

At the request of Ms. SNOWE, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 269

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 269, a bill to provide emergency relief to small business concerns affected by a significant increase in the price of heating oil, natural gas, propane, or kerosene, and for other purposes.

S. 897

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to clarify the calculation of the reserve allowance for medical benefits of plans sponsored by bona fide associations.

S. 1002

At the request of Mr. BAUCUS, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1082

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

S. 1276

At the request of Mr. CORNYN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1276, a bill to amend section 1111 of the Elementary and Secondary Education Act of 1965 regarding challenging academic content standards for physical education.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1360

At the request of Mr. SMITH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1504

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1504, a bill to establish a market driven telecommunications marketplace, to eliminate government managed competition of existing communication service, and to provide parity between functionally equivalent services.

S. 1538

At the request of Mr. ROCKEFELLER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1538, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 1597

At the request of Mr. ENZI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1597, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 1725

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1725, a bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient

utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes.

S. 1793

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1793, a bill to extend certain apportionments to primary airports.

S. 1794

At the request of Mr. DURBIN, the names of the Senator from Nevada (Mr. REID), the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1794, a bill to establish a Strategic Gasoline and Fuel Reserve.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 1810. A bill to amend the Outer Continental Shelf Lands Act to allow certain coastal States to share in qualified Outer Continental Shelf revenues; to the Committee on Energy and Natural Resources.

Mr. WARNER. Mr. President, I rise to introduce the Outer Continental Shelf Revenue Sharing Act of 2005.

Earlier this year, the Congress passed a bill, and the President signed it into law. It is the first comprehensive energy package in over a decade.

Great strides were made in addressing the Nation's energy needs. This new law contains a number of valuable conservation measures and, as the chairman of the Energy Committee once stated, passage of this legislation means we will need 170 fewer powerplants by 2020. On the energy supply side, however, we still have much work to do. The recent disruptions in the Nation's energy supply caused by Hurricanes Katrina and Rita—tragedies, natural disasters of proportions never really seen before in this county—underscore the fragility of our energy supply system. The estimates are that 20 to 25 percent of our energy needs come in through that narrow nexus of Louisiana and Mississippi, right in that area.

During debate on the bill, I offered an amendment to provide for an increased domestic supply of oil and natural gas from Outer Continental Shelf lands. Regrettably, my amendment and other similar measures were not successful.

I thank the distinguished manager of that bill, Mr. DOMENICI, and others. They gave me a great deal of encouragement, as did the Senators from Louisiana, who likewise participated in that debate. But, nevertheless, I was not successful. I did say—and I suppose in a prophetic way—and I remember beckoning to fellow Senators on the floor, ''The day will come when I will once again stand on this floor and offer this same legislation, not knowing, of course, of the tragedies of Katrina. But that did give this Nation a serious wake-up call as to the fragility of our energy system.

Again, the tragic events of the past month along the gulf coast have thrust the issue of energy supplies back into the spotlight. We need only look at the rising gas prices all over our pumps in this Nation's land, where people—men and women—on small budgets are struggling to find the resources to meet their daily requirements of the use of the automobile and to inject these increased gasoline prices into their budgets. Prices at the pump have climbed quickly, and with the winter heating season approaching, we can expect natural gas and home heating oil prices to increase, perhaps going as high as 50 percent more than last year's level.

We need to address our inadequate refining capacity and expand conservation incentives. With more than 30 percent of our domestic supply of oil coming in from the Gulf of Mexico and a significant portion of our refining capacity located in the Gulf States, we must also look at ways to increase and diversify the location and sources of our domestic supplies of energy, as well as the refining capabilities; and natural gas, likewise.

Before passage of the energy bill, production revenues totaling more than $7.5 billion annually from offshore oil and gas belonged to the Federal Government. This is an inconsistent policy, however, because 55 percent of the revenues from land-based oil and gas production has always been returned to the States. The one exception to this rule is Alaska, which receives back 90 percent of such revenues. Thanks to the diligence of my colleagues from Louisiana, this inequity was partially addressed in the energy bill by providing that current offshore energy-producing States will now share in the Federal Government's royalties.

Indeed, it is a matter of fairness that these revenues be shared with the energy producing States. After all, it is the states closest to oil and gas production facilities that are assuming the risks that those production facilities will not have harmful environmental or economical impacts. Tourism is often the lifeblood of these regions which could be adversely affected by any environmental accidents. So it is very appropriate that they should receive a share of the revenues derived from offshore oil and gas production.

While the issue of revenue sharing was addressed in the energy bill for States currently producing oil and gas off their coasts, it does not include a comprehensive policy for offshore production opportunities.

Specifically, the bill does not allow other States to share revenues when and if they ever become producing regions. As we all know, the production of oil and natural gas has been subject to a moratorium along most of the Nation's coastline. While this moratorium has been in effect for some time, many Americans believe that it is now time to reevaluate its need. This past year in Virginia, both houses of the state legislature passed legislation asking for production to occur off the Virginia coast if the State is allowed to receive a share of the revenue. I think the rising costs of oil and gas are now leading other States to consider the same possibility.

The bill I am introducing today would provide a portion of revenues to States under the current moratorium that may decide to undertake future offshore exploration and production activities. My legislation is based, in large part, on the hard work of my colleagues who achieved a revenue-sharing proposal for their States and local governments in the recently enacted energy bill. The new law provides State and local governments with a share of the royalties from offshore energy production, but it is limited only to the five States that are currently exempt from the moratorium on offshore oil and gas leases.

As provided by current law, my bill requires the Federal Government to transfer 50 percent of the revenues received from any offshore leases to the States based upon the production levels. This would put oil and gas production in coastal areas on par with the production on other Federal lands throughout the United States. It is a matter of equity for all producing regions and represents a fair revenue-sharing model for the Federal and State governments.

My proposal does not affect the current moratorium on offshore energy production. As the moratorium expires, however, my legislation enables States that wish to pursue oil and gas production to be eligible for a portion of the royalty payments that otherwise would go exclusively to the Federal Government.

The amendment does not supersede a State's ability to veto any production proposals under their authority of the Coastal Zone Management Act, CZMA. It does not change the manner in which the Federal Government grants these production leases, and it does not lift the moratorium for any OCS land that is currently in place.

While I believe very strongly that the States should have a role in determining whether or not to utilize these resources, I also believe that they should receive a fair share of the revenues from any production that may follow.

I understand the concerns of some of my colleagues and their desire to avoid drawing specific boundary lines. While this amendment does not address all of the concerns, it offers a fair starting point to discuss this issue. It is my hope that we can all work together in addressing these concerns that will result in a commonsense approach to expand our domestic supply of oil and gas, to diversify the geographic concentration of our current industry, and to allow the States to have a role in the process.

Mr. President, the time has come for the Senate to speak boldly. We can all agree that more supply is needed and that there is a vast resource yet to be tapped. My proposal offers a fair way to encourage production in States that wish to do so. In the long term our Nation will benefit by reducing its dependence on foreign sources of energy and by diversifying the geographic source of our domestic supply.

I believe this proposal will solve a necessary part of the energy puzzle. I believe it is essential for our energy security, our economic security, and our national security to evaluate this, and other proposals, that address our energy supply needs.

Mr. President, as I say, today I introduce, again, this bill, which I put in a few months ago. It provides for the offshore drilling of oil. I recognize the sensitivity of that, but I say to my colleagues, we can not continually ignore these warnings, whether they are brought about by Mother Nature or political problems or wars or conflicts across our shores. Now is the time to lay down that framework of legislation for those States which, by actions taken by the Governor and the State legislature, say: We will permit offshore drilling off of this State's boundaries. Hopefully, we can receive for those States, should that take place, an additional source of revenue.

I ask unanimous consent that the text of the bill be printed in the RECORD, and I will seek to have it considered by the Senate as a whole at the earliest possible opportunity.

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

S. 1810

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Outer Continental Shelf Revenue Sharing Act of 2005''.

**SEC. 2. OUTER CONTINENTAL SHELF REVENUE SHARING.**

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(1) in subsection (a)—

(A) by striking paragraph (7);

(B) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively;

(C) in paragraph (8) (as redesignated by subparagraph (B)), by striking subparagraph (B) and inserting the following:

''(B) INCLUSION.—The term 'producing State' includes any State that begins production on a leased tract on or after the date of enactment of the Outer Continental Shelf Revenue Sharing Act of 2005, regardless of whether the leased tract was on any date subject to a leasing moratorium.''; and

(D) in paragraph (9) (as redesignated by subparagraph (B)), by striking subparagraph (C); and

(2) in subsection (b)(4), by striking subparagraph (E).

**SEC. 3. ESTABLISHMENT OF SEAWARD LATERAL BOUNDARIES FOR COASTAL STATES.**

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by inserting ''(i)'' after ''(A)'';

(2) in the first sentence—

(A) by striking ''President shall'' and inserting ''Secretary shall by regulation''; and

(B) by inserting before the period at the end the following: ''not later than 180 days after the date of enactment of the Outer Continental Shelf Revenue Sharing Act of 2005''; and

(3) by adding at the end the following:

''(ii)(I) For purposes of this Act (including determining boundaries to authorize leasing and preleasing activities and any attributing revenues under this Act and calculating payments to producing States and coastal political subdivisions under section 31), the Secretary shall delineate the lateral boundaries between coastal States in areas of the Outer Continental shelf under exclusive Federal jurisdiction, to the extent of the exclusive economic zone of the United States, in accordance with article 15 of the United Nations Convention on the Law of the Sea of December 10, 1982.

''(II) This clause shall not affect any right or title to Federal submerged land on the outer Continental Shelf.''.

**SEC. 4. OPTION TO PETITION FOR LEASING WITHIN CERTAIN AREAS ON THE OUTER CONTINENTAL SHELF.**

Section 12 of the Outer Continental Shelf Lands Act (43 U.S.C. 1341) is amended by adding at the end the following:

''(g) LEASING WITHIN THE SEAWARD LATERAL BOUNDARIES OF COASTAL STATES.—

''(1) DEFINITION OF AFFECTED AREA.—In this subsection, the term 'affected area' means any area located—

''(A) in the areas of northern, central, and southern California and the areas of Oregon and Washington;

''(B) in the north, middle, or south planning area of the Atlantic Ocean;

''(C) in the eastern Gulf of Mexico planning area and lying—

''(i) south of 26 degrees north latitude; and

''(ii) east of 86 degrees west longitude; or

''(D) in the Straits of Florida.

''(2) RESTRICTIONS ON LEASING.—The Secretary shall not offer for offshore leasing, preleasing, or any related activity—

''(A) any area located on the outer Continental Shelf that, as of the date of enactment of this subsection, is designated as a marine sanctuary under the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.); or

''(B) except as provided in paragraphs (3) and (4), during the period beginning on the date of enactment of this subsection and ending on June 30, 2012, any affected area.

''(3) RESOURCE ASSESSMENTS.—

''(A) IN GENERAL.—Beginning on the date on which the Secretary delineates seaward lateral boundaries under section 4(a)(2)(A)(ii), a Governor of a State in which an affected area is located, with the consent of the legislature of the State, may submit to the Secretary a petition requesting a resource assessment of any area within the seaward lateral boundary of the State.

''(B) ELIGIBLE RESOURCES.—A petition for a resource assessment under subparagraph (A) may be for—

''(i) oil and gas leasing;

''(ii) gas-only leasing; or

''(iii) any other energy source leasing, including renewable energy leasing.

''(C) ACTION BY SECRETARY.—Not later than 90 days after receipt of a petition under subparagraph (A), the Secretary shall approve the petition, unless the Secretary determines that a resource assessment of the area would create an unreasonable risk of harm to the marine, human, or coastal environment of the State.

''(D) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (C)—

''(i) the petition shall be considered to be approved; and

''(ii) a resource assessment of any appropriate area shall be carried out as soon as practicable.

''(E) SUBMISSION TO STATE.—As soon as practicable after the date on which a petition is approved under subparagraph (C) or (D), the Secretary shall—

''(i) complete the resource assessment for the area; and

''(ii) submit the completed resource assessment to the State.

''(4) PETITION FOR LEASING.—

''(A) IN GENERAL.—On receipt of a resource assessment under paragraph (3)(E)(ii), the Governor of a State in which an affected area is located, with the consent of the legislature of the State, may submit to the Secretary a petition requesting that the Secretary make available any land that is within the seaward lateral boundaries of the State (as established under section 4(a)(2)(A)(ii)) and that is greater than 20 miles from the coastline of the State for the conduct of offshore leasing, pre-leasing, or related activities with respect to—

''(i) oil and gas leasing;

''(ii) gas-only leasing; or

''(iii) any other energy source leasing, including renewable energy leasing.

''(B) ACTION BY SECRETARY.—Not later than 90 days after receipt of a petition under subparagraph (A), the Secretary shall approve the petition, unless the Secretary determines that leasing the area would create an unreasonable risk of harm to the marine, human, or coastal environment of the State.

''(C) FAILURE TO ACT.—If the Secretary fails to approve or deny a petition in accordance with subparagraph (B)—

''(i) the petition shall be considered to be approved; and

''(ii) any appropriate area shall be made available for oil and gas leasing, gas-only leasing, or any other energy source leasing, including renewable energy leasing.

''(5) REVENUE SHARING.—

''(A) IN GENERAL.—Beginning on the date on which production begins in an area under this subsection, the State shall, without further appropriation, share in any qualified outer Continental Shelf revenues of the production under section 31.

''(B) APPLICABLE LAW.—

''(i) IN GENERAL.—Except as provided in clause (ii), a State shall not be required to comply with subsections (c) and (d) of section 31 to share in qualified outer Continental Shelf revenues under subparagraph (A).

''(ii) EXCEPTION.—Of any qualified outer Continental Shelf revenues received by a State (including a political subdivision of a State) under subparagraph (A), at least 25 percent shall be used for 1 or more of the purposes described in section 31(d)(1).

''(6) EFFECT.—Nothing in this subsection affects any right relating to an area described in paragraph (1) or (2) under a lease that was in existence on the day before the date of enactment of this subsection.''.

**SEC. 5. REGULATIONS.**

(a) IN GENERAL.—The Secretary of the Interior shall issue such regulations as are necessary to carry out this Act and the amendments made by this Act, including regulations establishing procedures for entering into gas-only leases.

(b) GAS-ONLY LEASES.—In issuing regulations establishing procedures for entering into gas-only leases, the Secretary shall—

(1) ensure that gas-only leases under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) are not available in a State that (as of the day before the date of enactment of this Act) did not contain an affected area

(as defined in section 12(g)(1) of that Act (as added by section 4)); and

(2) define ''natural gas'' as—

(A) unmixed natural gas; or

(B) any mixture of natural or artificial gas (including compressed or liquefied petroleum gas) and condensate recovered from natural gas.

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By Mr. HATCH (for himself and Mr. BENNETT):

S. 1811. A bill to authorize the Secretary of the Interior to study the feasibility of enlarging the Arthur V. Watkins Dam Weber Basin Project, Utah, to provide additional water for the Weber Basin Project to fulfill the purposes for which that project was authorized; to the Committee on Energy and Natural Resources.

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By Mr. HATCH (for himself and Mr. BENNETT):

S. 1812. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, in recent years, Utahns have suffered through a devastating drought. While it appears that we are beginning to return to normal precipitation levels, the drought has instilled in all Utahns the need to plan for the future and ensure sound management of our water resources. For that reason, I rise to introduce two important bills that will help make better use of Utah's scarce water supply.

The first bill is the Arthur V. Watkins Dam Enlargement Act of 2005. The bill would authorize the Bureau of Reclamation to conduct a feasibility study on raising the height of the Arthur V. Watkins Dam in Weber County. The dam is roughly 14 miles long and encloses a reservoir containing more than 200,000 acre-feet of water.

Thousands of Utahns currently rely on the water provided by the reservoir. And the Weber Basin is one of Utah's fastest growing areas, making the need to find additional water resources even more pressing. Enlarging the dam would help ensure that the area can meet its ever-increasing demand for water. In my view, expanding the dam is an easy way to increase water storage capacity in an area that desperately needs it.

The next bill I am introducing today, is the Juab County Ground Water Study and Development Act of 2005. This legislation would amend the Reclamation Projects Authorization and Adjustment Act of 2005 to include Juab County. It would allow Juab County to use Central Utah Project funds to complete water resource development projects, enabling the County to better utilize their existing water resources. It will ensure that farmers, ranchers, and other citizens of Juab County have a reliable water supply.

Under the original plan for the Bonneville Unit of the Central Utah Project, several counties in central Utah, including Juab, were to be delivered supplemental water through an irrigation and drainage delivery system. Over the years, however, many central Utah Counties have elected not to participate in the plan and no longer pay the requisite taxes to the Central Utah Water Conservancy District, the political division of the State of Utah established to manage CUP activities in Utah.

Unlike other central Utah Counties, Juab County remained active in the Central Utah Water Conservancy District's efforts and has paid property taxes to the District hoping to benefit from its membership. Unfortunately, that has not been the case. Presently, most of the water allocated to the Bonneville Unit of the Central Utah Project is planned for use in Wasatch, Salt Lake, and Utah Counties. This legislation would simply ensure that the citizens of Juab County can benefit from the system they help support.

I urge my colleagues to support these bills.

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By Mr. CRAIG (for himself, Mr. ROBERTS, and Mr. BROWNBACK):

S. 1813. A bill 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; to the Committee on Veterans' Affairs.

Mr. CRAIG. Mr. President, I have sought recognition to comment on legislation I am introducing that will fix a problem that many of us thought was corrected 8 years ago. My legislation will close a loophole in the law that now allows capital offenders to be buried in America's national cemeteries. My legislation will ensure that no one who may be given a life sentence or who may be sentenced to death for murder will be honored at their funerals by the presence of a military funeral detail. And, finally, my legislation will direct the Secretary of Veterans Affairs, the Secretary of the Army, and other military service Secretaries to each prescribe a proactive process by which officials can ascertain whether there exists a burial or funeral honors prohibition on individuals who may have been capital offenders.

In 1997, the Congress learned that the perpetrator of the Oklahoma City bombings—Timothy McVeigh—was, in fact, eligible for burial and memorialization in a VA national cemetery and, under certain circumstances, Arlington National Cemetery. Largely, but not exclusively, in response to McVeigh's eligibility, Public Law 105–116 was enacted to deny interment in Arlington National Cemetery, VA National Cemeteries, and State veterans' cemeteries funded with VA grants, to any person convicted of a Federal capital crime or a State capital crime for which a sentence of death or life imprisonment without parole is given. Later, in 2002, Public Law 107–330 was enacted to deny to capital offenders VA-provided flags, headstones and markers, and Presidential Memorial Certificates. The intent of the 1997 and 2002 laws was clear: We should not bury brutal murderers alongside America's honored dead and we should not provide memorialization benefits to those who have so dishonored themselves through their own post-service conduct.

The circumstances surrounding the placement of the cremated remains of a convicted double-murderer—Russell Wayne Wagner—at Arlington National Cemetery in late July caused me, and many of my colleagues, to wonder what impact the 1997 law actually had. The media coverage of former Chief Justice William Rehnquist's Arlington Cemetery funeral only served to confirm my bewilderment: How could an individual like Wagner who committed such heinous acts be placed in the same hallowed ground as Chief Justice Rehnquist, Justice Thurgood Marshall, President Kennedy, and hundreds upon hundreds of servicemembers to whom this country owes its eternal respect?

Russell Wayne Wagner's two life sentences carried with them the possibility of parole. The 1997 law only bars national cemetery interment to State capital offenders sentenced to death or life in prison without parole. Thus, we have our first example of the ''parole loophole.''

To further explore how wide the ''parole loophole'' is for State capital offenders, I asked the Congressional Research Service to analyze the sentencing of Dennis Rader, the infamous ''BTK serial killer,''—''BTK'' being short for Rader's method to dispose of his 10 victims: Bind, Torture, Kill. Rader was given ten consecutive life terms for which he must serve a minimum of 175 years in prison. However, because the Kansas law under which Rader was tried did not allow for a sentence of death, nor did it allow for a sentence of life without parole, CRS concluded that, as an honorably discharged veteran of the Air Force, ''it would appear that he is not statutorily precluded from interment in a national cemetery.'' If the 1997 law cannot prevent the interment of a notorious serial killer, then what good is it? I called a hearing in September to find an answer to that question.

The Committee heard from Mr. Vernon Davis, son of Wagner's victims, who described in vivid detail how Wagner repeatedly stabbed his elderly parents to death. I was so astounded that an individual who committed such a cowardly action could be buried at Arlington that I immediately introduced legislation—S. 1759—to have his remains removed.

The Committee also heard from VA and Arlington cemetery officials who described the process that is in place to deny burial in national cemeteries to capital offenders. Unfortunately, the process appears to be a passive one. The Deputy Superintendent at Arlington told me that Arlington officials do

not even ask whether a person on whose behalf burial is sought is a convicted capital offender. While I understand that finding out such information needs to be handled delicately and with tact, to have no screening process at all is unacceptable.

Finally, we heard the unified testimony of 5 veterans' organizations, who reminded us that decisions to take away benefits earned by virtue of honorable military service should never be made without careful, reasoned deliberation.

Based on the testimony from the Committee's hearing, I have joined with my colleagues from Kansas—Senators ROBERTS and BROWNBACK—in introducing this legislation today. Section 1 of the legislation would remove the language in law that provides capital offenders—like Wagner and the BTK Killer—with their continued burial eligibility. Furthermore, to address situations where a capital offender may have plea-bargained his or her way out of a death or life sentence, section 1 would remove the language in statute that ties the prohibition of cemetery burial to a capital crime sentence that was received and would replace it with language tying the prohibition to a capital crime sentence that may be received. This statutory language change would recognize that while the actual sentence for those who commit heinous acts may vary, the underlying action meriting those criminal sentences should be treated equally for purposes of burial prohibition.

Section 2 of the legislation would deny the provision of military honors and burial at a military cemetery of a person convicted of a Federal capital crime or a State capital crime for which a life sentence or the death penalty may be imposed. Section 3 would deny funeral honors—where at least two members of the Armed Forces are made available at veterans' funerals to fold and present the American flag, and play Taps—to those same persons, irrespective of whether burial is sought at national, state, or private cemeteries.

Finally, section 4 of the legislation would require the appropriate military service and VA to each prescribe regulations to ensure that a person is neither buried, nor provided funeral honors, before a good-faith effort is made to determine whether such person is ineligible as a capital offender.

This legislation is a necessary reform to the 1997 law. Let me be clear that while the effect of the legislation would be to take away benefits that were otherwise earned by honorable military service, the intent of it is not punitive. Rather, my intention is to preserve the dignity of America's national cemeteries.

President Lincoln delivered his Gettysburg Address at one of our Nation's first, and most revered, national cemeteries. Then he spoke of the ''honored dead'' who gave their ''last full measure of devotion.'' My legislation will ensure that we bring no dishonor to those who belong in our national cemeteries by inappropriately honoring those who, by their own actions, do not.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1813

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PROHIBITION AGAINST INTERMENT IN NATIONAL CEMETERY.**

Section 2411 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''for which the person was sentenced to death or life imprisonment''; and

(B) in paragraph (2), by striking ''for which the person was sentenced to death or life imprisonment without parole''; 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''.

**SEC. 2. 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.''.

**SEC. 3. 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.''.

**SEC. 4. RULEMAKING.**

(a) 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.

(b) 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.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 263—COMMENDING THE EFFORTS OF THE DEPARTMENT OF VETERANS AFFAIRS IN RESPONDING TO HURRICANE KATRINA

Mr. CRAIG (for himself and Mr. AKAKA) submitted the following resolution; which was considered and agreed to:

S. RES. 263

Whereas Hurricane Katrina physically devastated many areas in the States of Alabama, Mississippi, and Louisiana;

Whereas the Department of Veterans Affairs operates 11 medical centers, 18 community-based outpatient clinics, 3 regional offices, and 8 national cemeteries in the States of Alabama, Mississippi, and Louisiana;

Whereas the Department of Veterans Affairs evacuated over 1,000 patients, employees, and their families from facilities in the affected areas without any loss of life due to the evacuations;

Whereas over 1,000 employees of the Department of Veterans Affairs are volunteering to assist veterans and their families affected by Hurricane Katrina throughout the United States;

Whereas the Department of Veterans Affairs is providing shelter to over 550 staff and their families who have been displaced as a result of Hurricane Katrina;

Whereas patients and employees of the Department of Veterans Affairs in Texas provided extraordinary support and medical assistance to veterans, staff, and families affected by Hurricane Katrina and coordinated numerous medical efforts as part of the overall Federal Government response and recovery efforts in the Gulf Region; and

Whereas heroic actions and efforts on the part of numerous employees and volunteers of the Department of Veterans Affairs saved countless lives and provided immeasurable comfort to the victims of Hurricane Katrina: Now, therefore, be it

*Resolved,* That the Senate commends the employees and volunteers of the Department of Veterans Affairs, who risked life and limb to assist veterans, staff, and their respective families who were affected by Hurricane Katrina.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1929. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1930. Mr. LEVIN (for himself and Mr. REED) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1931. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1932. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1933. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1934. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1935. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1936. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1937. Ms. STABENOW (for herself, Mr. JOHNSON, Mr. THUNE, Mr. AKAKA, Mrs. MURRAY, Mr. DAYTON, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. SALAZAR, Mrs. LINCOLN, Mr. CORZINE, Mr. BAUCUS, Ms. LANDRIEU, Mr. JEFFORDS, Mr. BAYH, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1938. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1939. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1940. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1941. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1942. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1943. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1944. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1945. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1946. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1947. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1948. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1949. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1950. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1951. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1952. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1953. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1954. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, supra; which was ordered to lie on the table.

SA 1955. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1956. Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1955 submitted by Mr. WARNER (for himself and Mr. LEVIN) and intended to be proposed to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1957. Mr. HARKIN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1958. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

SA 1959. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1960. Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1961. Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1962. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1963. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1964. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1965. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1966. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1967. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1783, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; which was ordered to lie on the table.

SA 1968. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30 2006, and for other purposes; which was ordered to lie on the table.

SA 1969. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1970. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1971. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1972. Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1973. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1974. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1975. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1976. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1977. Mr. MCCAIN (for himself, Mr. GRAHAM, Mr. HAGEL, Mr. SMITH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2863 supra; which was ordered to lie on the table.

SA 1978. Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1979. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1980. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1981. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1982. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1983. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1984. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1985. Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. DURBIN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1986. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1987. Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1988. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1989. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1990. Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1991. Mr. KENNEDY (for himself, Ms. COLLINS, Mrs. CLINTON, Mrs. DOLE, Ms. MIKULSKI, Ms. SNOWE, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. REED, and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1992. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1993. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, supra; which was ordered to lie on the table.

SA 1994. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 1929.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $5,000,000 may be used for Medium Tactical Vehicle Modifications.

**SA 1930.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) ADDITIONAL AMOUNT FOR FORMER SOVIET UNION THREAT REDUCTION ACCOUNT.—The amount appropriated by title II under the heading ''FORMER SOVIET UNION THREAT REDUCTION ACCOUNT'' is hereby increased by $50,000,000.

(b) OFFSET.—The amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'' is hereby reduced by $50,000,000, with the amount of the reduction to be applied to amounts available for ballistic missile defense and allocated as follows:

(1) $30,000,000 shall be derived from amounts for long-lead procurement of Ground-Based Interceptors (PE#0603882C).

(2) $20,000,000 shall be derived from amounts for the initial construction of silos associated with Ground-Based Interceptors.

**SA 1931.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

### Subtitle F—Servicemembers Civil Relief Matters

**SEC. 671. CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT OF SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) GENERAL CIVIL LIABILITY AND ENFORCEMENT.—

(1) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

### ''TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT

**''SEC. 801. CIVIL LIABILITY FOR NONCOMPLIANCE.**

''(a) IN GENERAL.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this Act with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(1) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(2) such amount of punitive damages as the court may allow;

''(3) such amount of consequential damages as the court may allow;

''(4) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(5) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(b) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.

**''SEC. 802. ADMINISTRATIVE ENFORCEMENT.**

''(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—(1) Except as provided in subsections (b), (c), and (d), compliance with the provisions of this Act shall be enforced by the Federal Trade Commission in accordance with the Federal Trade Commission Act with respect to entities and persons subject to the Federal Trade Commission Act.

''(2) For the purpose of the exercise by the Commission under this subsection of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed by this Act shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act, and shall be subject to enforcement by the Commission with respect to any entity or person subject to enforcement by the Commission pursuant to this subsection, irrespective of whether such person or entity is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.

''(3) The Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed by this Act and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this Act.

''(4) Any person or entity violating any provision of this Act shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act as though the applicable terms and provisions of the Federal Trade Commission Act were part of this Act.

''(5)(A) The Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person or entity that has engaged in such violation. In such action, such person or entity shall be liable, in addition to any amounts otherwise recoverable, for a civil penalty in the amount of $5,000 to $50,000, as determined appropriate by the court for each violation.

''(B) In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

''(b) ENFORCEMENT BY OTHER REGULATORY AGENCIES.—Compliance with the requirements imposed by this Act with respect to financial institutions shall be enforced under—

''(1) section 8 of the Federal Deposit Insurance Act, in the case of—

''(A) national banks, and Federal branches and Federal agencies of foreign banks, and any subsidiaries of such (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Office of the Comptroller of the Currency;

''(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organization operating under section 25 or 25A of the Federal Reserve Act, and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Governors of the Federal Reserve System; and

''(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Directors of the Federal Deposit Insurance Corporation;

''(2) section 8 of the Federal Deposit Insurance Act, by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation and any subsidiaries of such saving associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers);

''(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any federally insured credit union, and any subsidiaries of such an entity;

''(4) State insurance law, by the applicable State insurance authority of the State in which a person is domiciled, in the case of a person providing insurance; and

''(5) the Federal Trade Commission Act, by the Federal Trade Commission for any other financial institution or other person that is not subject to the jurisdiction of any agency or authority under paragraphs (1) through (4).

''(c) PRIVATE CAUSE OF ACTION.—A servicemember, dependent, or other person protected by a provision of this Act may commence an action in a district court of the United States, or in a State court of competent jurisdiction, to seek enforcement of the protection afforded by such provision and the imposition of civil liability as specified such provision or section 801.

''(d) CONSTRUCTION OF ENFORCEMENT.—

''(1) ENFORCEMENT BY FTC.—The enforcement of the provisions of this Act by the Federal Trade Commission pursuant to subsection (a) shall be in addition to any other enforcement of such provisions by the Department of Justice, private cause of action, or other mechanism afforded by State law.

''(2) CONSTRUCTION OF REMEDIES.—The remedies for violations of the provisions of this Act provided for under subsections (a), (b), and (c) are in addition to any other remedies for violations of such provisions under Federal or State law.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new items:

''TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT

''Sec. 801. Civil liability for noncompliance.

''Sec. 802. Administrative enforcement.''.

(b) LIABILITY FOR NONCOMPLIANCE.—

(1) Section 301(c) of the Servicemembers Civil Relief Act (50 U.S.C. App. 531(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(2) Section 302(b) of that Act (50 U.S.C. App. 532(b)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(3) Section 303(d) of that Act (50 U.S.C. App. 533(d)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(4) Section 305(h) of that Act (50 U.S.C. App. 535(h)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(5) Section 306(e) of that Act (50 U.S.C. App. 536(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(6) Section 307(c) of that Act (50 U.S.C. App. 537(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

**SEC. 672. OUTREACH TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ON THE SERVICEMEMBERS CIVIL RELIEF ACT.**

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

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

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

(A) During initial entry training.

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

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

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

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

**SEC. 673. 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.

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**SA 1932.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 238, between lines 4 and 5, insert the following:

SEC. 9014. (a) The amount appropriated by this title under the heading ''OTHER PROCUREMENT, ARMY'' is hereby increased by $360,800,000.

(b) Of the amount appropriated by this title under the heading ''OTHER PROCUREMENT, ARMY'', as increased by subsection (a)—

(1) $360,800,000 may be made available for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan; or

(2) if the Secretary of the Army determines that such amount is not needed for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan—

(A) up to $247,100,000 may be available for the procurement of armored Tactical Wheeled Vehicles to reconstitute Army Prepositioned Stocks–5, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), and armored Heavy Tactical Vehicles (HTVs) for purposes of equipping one heavy brigade, one infantry brigade, and two infantry battalions; and

(B) up to $113,700,000 may be available for the procurement of armored Tactical Wheeled Vehicles for the Joint Readiness Training Center at Fort Polk, Louisiana, including the procurement of armored Light Tactical Vehicles, armored Medium Tactical Vehicles, and armored Heavy Tactical Vehicles for purposes of equipping one infantry brigade combat team in order to permit such vehicles to be used for the training and preparation of troops, prior to deployment, on the use of such vehicles.

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**SA 1933.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 238, between lines 4 and 5, insert the following:

SEC. 9014. (a)(1) The amount appropriated by this title under the heading ''OTHER PROCUREMENT, ARMY'' is hereby increased by $360,800,000.

(2) Of the amount appropriated by this title under the heading ''OTHER PROCUREMENT, ARMY'', as increased by paragraph (1)—

(A) $360,800,000 may be made available for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan; or

(B) if the Secretary of the Army determines that such amount is not needed for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan—

(i) up to $247,100,000 may be available for the procurement of armored Tactical Wheeled Vehicles to reconstitute Army Prepositioned Stocks–5, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), and armored Heavy Tactical Vehicles (HTVs) for purposes of equipping one heavy brigade, one infantry brigade, and two infantry battalions; and

(ii) up to $113,700,000 may be available for the procurement of armored Tactical Wheeled Vehicles for the Joint Readiness Training Center at Fort Polk, Louisiana, including the procurement of armored Light Tactical Vehicles, armored Medium Tactical Vehicles, and armored Heavy Tactical Vehicles for purposes of equipping one infantry brigade combat team in order to permit such vehicles to be used for the training and preparation of troops, prior to deployment, on the use of such vehicles.

(b)(1)(A) The amount appropriated by this title under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'' is hereby increased by $5,000,000.

(B) Of the amount appropriated by this title under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', as increased by subparagraph (A), $5,000,000 may be available for the establishment of the ballistics engineering research center under paragraph (2).

(2)(A) The Secretary of Defense shall create a collaborative ballistics engineering research center at two major research institutions.

(B) The purpose of the research center established under subparagraph (A) shall be to advance knowledge and application of ballistics materials and procedures to improve the safety of land-based military vehicles, particularly from hidden improvised explosive devices, including through the training of engineers, scientists, and military personnel in ballistics materials and their use.

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**SA 1934.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

**SEC. 1411. TACTICAL WHEELED VEHICLES.**

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army is hereby increased by $360,800,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army, as increased by subsection (a)—

(1) $360,800,000 may be made available for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan; or

(2) if the Secretary of the Army determines that such amount is not needed for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan—

(A) up to $247,100,000 may be available for the procurement of armored Tactical Wheeled Vehicles to reconstitute Army Prepositioned Stocks–5, including the procurement of armored Light Tactical Vehicles

(LTVs), armored Medium Tactical Vehicles (MTVs), and armored Heavy Tactical Vehicles (HTVs) for purposes of equipping one heavy brigade, one infantry brigade, and two infantry battalions; and

(B) up to $113,700,000 may be available for the procurement of armored Tactical Wheeled Vehicles for the Joint Readiness Training Center at Fort Polk, Louisiana, including the procurement of armored Light Tactical Vehicles, armored Medium Tactical Vehicles, and armored Heavy Tactical Vehicles for purposes of equipping one infantry brigade combat team in order to permit such vehicles to be used for the training and preparation of troops, prior to deployment, on the use of such vehicles.

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**SA 1935.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

**SEC. 1411. TACTICAL WHEELED VEHICLES.**

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army is hereby increased by $360,800,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army, as increased by paragraph (1)—

(A) $360,800,000 may be made available for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan; or

(B) if the Secretary of the Army determines that such amount is not needed for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan—

(i) up to $247,100,000 may be available for the procurement of armored Tactical Wheeled Vehicles to reconstitute Army Prepositioned Stocks–5, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), and armored Heavy Tactical Vehicles (HTVs) for purposes of equipping one heavy brigade, one infantry brigade, and two infantry battalions; and

(ii) up to $113,700,000 may be available for the procurement of armored Tactical Wheeled Vehicles for the Joint Readiness Training Center at Fort Polk, Louisiana, including the procurement of armored Light Tactical Vehicles, armored Medium Tactical Vehicles, and armored Heavy Tactical Vehicles for purposes of equipping one infantry brigade combat team in order to permit such vehicles to be used for the training and preparation of troops, prior to deployment, on the use of such vehicles.

(b) BALLISTICS ENGINEERING PROGRAM.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—

(A) IN GENERAL.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-Wide activities is hereby increased by $5,000,000.

(B) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-Wide activities, as increased by subparagraph (A), $5,000,000 may be available for the establishment of the ballistics engineering research center under paragraph (2).

(2) BALLISTICS ENGINEERING RESEARCH CENTER.—

(A) ESTABLISHMENT.—The Secretary of Defense shall create a collaborative ballistics engineering research center at two major research institutions.

(B) PURPOSE.—The purpose of the research center established under subparagraph (A) shall be to advance knowledge and application of ballistics materials and procedures to improve the safety of land-based military vehicles, particularly from hidden improvised explosive devices, including through the training of engineers, scientists, and military personnel in ballistics materials and their use.

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**SA 1936.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIV of division A, add the following:

**SEC. 1411. TACTICAL WHEELED VEHICLES.**

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—The amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army is hereby increased by $360,800,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army, as increased by subsection (a)—

(1) $360,800,000 may be made available for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan; or

(2) if the Secretary of the Army determines that such amount is not needed for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan—

(A) up to $247,100,000 may be available for the procurement of armored Tactical Wheeled Vehicles to reconstitute Army Prepositioned Stocks–5, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), and armored Heavy Tactical Vehicles (HTVs) for purposes of equipping one heavy brigade, one infantry brigade, and two infantry battalions; and

(B) up to $113,700,000 may be available for the procurement of armored Tactical Wheeled Vehicles for the Joint Readiness Training Center at Fort Polk, Louisiana, including the procurement of armored Light Tactical Vehicles, armored Medium Tactical Vehicles, and armored Heavy Tactical Vehicles for purposes of equipping one infantry brigade combat team in order to permit such vehicles to be used for the training and preparation of troops, prior to deployment, on the use of such vehicles.

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**SA 1937.** Ms. STABENOW (for herself, Mr. JOHNSON, Mr. THUNE, Mr. AKAKA, Mrs. MURRAY, Mr. DAYTON, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. SALAZAR, Mrs. LINCOLN, Mr. CORZINE, Mr. BAUCUS, Ms. LANDRIEU, Mr. JEFFORDS, Mr. BAYH, and Mr. BINGAMAN) submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) FUNDING FOR VETERANS HEALTH CARE TO ADDRESS CHANGES IN POPULATION AND INFLATION.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

**"§ 320. Funding for veterans health care to address changes in population and inflation**

"(a) By the enactment of this section, Congress and the President intend to ensure access to health care for all veterans. Upon the enactment of this section, funding for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d) to accomplish this objective shall be provided through a combination of discretionary and mandatory funds. The discretionary amount should be equal to the fiscal year 2005 discretionary funding for such programs, functions, and activities, and should remain unchanged each fiscal year thereafter. The annual level of mandatory amount shall be adjusted according to the formula specified in subsection (c).

"(b) On the first day of each fiscal year, the Secretary of the Treasury shall make available to the Secretary of Veterans Affairs the amount determined under subsection (c) with respect to that fiscal year. Each such amount is available, without fiscal year limitation, for the programs, functions, and activities of the Veterans Health Administration, as specified in subsection (d). There is hereby appropriated, out of any sums in the Treasury not otherwise appropriated, amounts necessary to implement this section.

"(c)(1) The amount applicable to fiscal year 2006 under this subsection is the amount equal to—

"(A) 130 percent of the amount obligated by the Department during fiscal year 2004 for the purposes specified in subsection (d), minus

"(B) the amount appropriated for those purposes for fiscal year 2005.

"(2) The amount applicable to any fiscal year after fiscal year 2006 under this subsection is the amount equal to the product of the following, minus the amount appropriated for the purposes specified for subsection (d) for fiscal year 2005:

"(A) The sum of—

"(i) the number of veterans enrolled in the Department health care system under section 1705 of this title as of July 1 preceding the beginning of such fiscal year; and

"(ii) the number of persons eligible for health care under chapter 17 of this title who are not covered by clause (i) and who were provided hospital care or medical services under such chapter at any time during the fiscal year preceding such fiscal year.

"(B) The per capita baseline amount, as increased from time to time pursuant to paragraph (3)(B).

"(3)(A) For purposes of paragraph (2)(B), the term 'per capita baseline amount' means the amount equal to—

"(i) the amount obligated by the Department during fiscal year 2005 for the purposes specified in subsection (d), divided by

"(ii) the number of veterans enrolled in the Department health care system under section 1705 of this title as of September 30, 2004.

"(B) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the per capita baseline amount equal to the percentage by which—

''(i) the Consumer Price Index (all Urban Consumers, United States City Average, Hospital and related services, Seasonally Adjusted), published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).

''(d)(1) Except as provided in paragraph (2), the purposes for which amounts made available pursuant to subsection (b) shall be all programs, functions, and activities of the Veterans Health Administration.

''(2) Amounts made available pursuant to subsection (b) are not available for—

''(A) construction, acquisition, or alteration of medical facilities as provided in subchapter I of chapter 81 of this title (other than for such repairs as were provided for before the date of the enactment of this section through the Medical Care appropriation for the Department); or

''(B) grants under subchapter III of chapter 81 of this title.''.

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

''320. Funding for veterans health care to address changes in population and inflation.''.

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**SA 1938.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert:

**Subtitle F—Servicemembers Civil Relief Matters**

**SEC. 671. CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT OF SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) GENERAL CIVIL LIABILITY AND ENFORCEMENT.—

(1) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

**''TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT**

**''SEC. 801. CIVIL LIABILITY FOR NONCOMPLIANCE.**

''(a) IN GENERAL.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this Act with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(1) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(2) such amount of punitive damages as the court may allow;

''(3) such amount of consequential damages as the court may allow;

''(4) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(5) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(b) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.

**''SEC. 802. ADMINISTRATIVE ENFORCEMENT.**

''(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—(1) Except as provided in subsections (b), (c), and (d), compliance with the provisions of this Act shall be enforced by the Federal Trade Commission in accordance with the Federal Trade Commission Act with respect to entities and persons subject to the Federal Trade Commission Act.

''(2) For the purpose of the exercise by the Commission under this subsection of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed by this Act shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act, and shall be subject to enforcement by the Commission with respect to any entity or person subject to enforcement by the Commission pursuant to this subsection, irrespective of whether such person or entity is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.

''(3) The Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed by this Act and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this Act.

''(4) Any person or entity violating any provision of this Act shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act as though the applicable terms and provisions of the Federal Trade Commission Act were part of this Act.

''(5)(A) The Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person or entity that has engaged in such violation. In such action, such person or entity shall be liable, in addition to any amounts otherwise recoverable, for a civil penalty in the amount of $5,000 to $50,000, as determined appropriate by the court for each violation.

''(B) In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

''(b) ENFORCEMENT BY OTHER REGULATORY AGENCIES.—Compliance with the requirements imposed by this Act with respect to financial institutions shall be enforced under—

''(1) section 8 of the Federal Deposit Insurance Act, in the case of—

''(A) national banks, and Federal branches and Federal agencies of foreign banks, and any subsidiaries of such (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Office of the Comptroller of the Currency;

''(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organization operating under section 25 or 25A of the Federal Reserve Act, and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Governors of the Federal Reserve System; and

''(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Directors of the Federal Deposit Insurance Corporation;

''(2) section 8 of the Federal Deposit Insurance Act, by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation and any subsidiaries of such saving associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers);

''(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any federally insured credit union, and any subsidiaries of such an entity;

''(4) State insurance law, by the applicable State insurance authority of the State in which a person is domiciled, in the case of a person providing insurance; and

''(5) the Federal Trade Commission Act, by the Federal Trade Commission for any other financial institution or other person that is not subject to the jurisdiction of any agency or authority under paragraphs (1) through (4).

''(c) PRIVATE CAUSE OF ACTION.—A servicemember, dependent, or other person protected by a provision of this Act may commence an action in a district court of the United States, or in a State court of competent jurisdiction, to seek enforcement of the protection afforded by such provision and the imposition of civil liability as specified such provision or section 801.

''(d) CONSTRUCTION OF ENFORCEMENT.—

''(1) ENFORCEMENT BY FTC.—The enforcement of the provisions of this Act by the Federal Trade Commission pursuant to subsection (a) shall be in addition to any other enforcement of such provisions by the Department of Justice, private cause of action, or other mechanism afforded by State law.

''(2) CONSTRUCTION OF REMEDIES.—The remedies for violations of the provisions of this Act provided for under subsections (a), (b), and (c) are in addition to any other remedies for violations of such provisions under Federal or State law.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new items:

''TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT

''Sec. 801. Civil liability for noncompliance.

''Sec. 802. Administrative enforcement.''.

(b) LIABILITY FOR NONCOMPLIANCE.—

(1) Section 301(c) of the Servicemembers Civil Relief Act (50 U.S.C. App. 531(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(2) Section 302(b) of that Act (50 U.S.C. App. 532(b)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(3) Section 303(d) of that Act (50 U.S.C. App. 533(d)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(4) Section 305(h) of that Act (50 U.S.C. App. 535(h)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(5) Section 306(e) of that Act (50 U.S.C. App. 536(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(6) Section 307(c) of that Act (50 U.S.C. App. 537(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

**SEC. 672. OUTREACH TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS ON THE SERVICEMEMBERS CIVIL RELIEF ACT.**

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

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

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

(A) During initial entry training.

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

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

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

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

**SEC. 673. 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.

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**SA 1939.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIV of division A, add the following:

**SEC. 1411. TACTICAL WHEELED VEHICLES.**

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, ARMY.—

(1) IN GENERAL.—The amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army is hereby increased by $360,800,000.

(2) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 1403(a)(3) for other procurement for the Army, as increased by paragraph (1)—

(A) $360,800,000 may be made available for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan; or

(B) if the Secretary of the Army determines that such amount is not needed for the procurement of armored Tactical Wheeled Vehicles for units deployed in Iraq and Afghanistan—

(i) up to $247,100,000 may be available for the procurement of armored Tactical Wheeled Vehicles to reconstitute Army Prepositioned Stocks–5, including the procurement of armored Light Tactical Vehicles (LTVs), armored Medium Tactical Vehicles (MTVs), and armored Heavy Tactical Vehicles (HTVs) for purposes of equipping one heavy brigade, one infantry brigade, and two infantry battalions; and

(ii) up to $113,700,000 may be available for the procurement of armored Tactical Wheeled Vehicles for the Joint Readiness Training Center at Fort Polk, Louisiana, including the procurement of armored Light Tactical Vehicles, armored Medium Tactical Vehicles, and armored Heavy Tactical Vehicles for purposes of equipping one infantry brigade combat team in order to permit such vehicles to be used for the training and preparation of troops, prior to deployment, on the use of such vehicles.

(b) BALLISTICS ENGINEERING PROGRAM.—

(1) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE.—

(A) IN GENERAL.—The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-Wide activities is hereby increased by $5,000,000.

(B) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-Wide activities, as increased by subparagraph (A), $5,000,000 may be available for the establishment of the ballistics engineering research center under paragraph (2).

(2) BALLISTICS ENGINEERING RESEARCH CENTER.—

(A) ESTABLISHMENT.—The Secretary of Defense shall create a collaborative ballistics engineering research center at two major research institutions.

(B) PURPOSE.—The purpose of the research center established under subparagraph (A) shall be to advance knowledge and application of ballistics materials and procedures to improve the safety of land-based military vehicles, particularly from hidden improvised explosive devices, including through the training of engineers, scientists, and military personnel in ballistics materials and their use.

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**SA 1940.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT OF SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) GENERAL CIVIL LIABILITY AND ENFORCEMENT.—

(1) IN GENERAL.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

**"TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT**

**"SEC. 801. CIVIL LIABILITY FOR NONCOMPLIANCE.**

''(a) IN GENERAL.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this Act with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(1) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(2) such amount of punitive damages as the court may allow;

''(3) such amount of consequential damages as the court may allow;

''(4) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(5) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(b) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.

**"SEC. 802. ADMINISTRATIVE ENFORCEMENT.**

''(a) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—(1) Except as provided in subsections (b), (c), and (d), compliance with the provisions of this Act shall be enforced by the Federal Trade Commission in accordance with the Federal Trade Commission Act with respect to entities and persons subject to the Federal Trade Commission Act.

''(2) For the purpose of the exercise by the Commission under this subsection of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed by this Act shall constitute an unfair or deceptive act or practice in commerce in violation of section 5(a) of the Federal Trade Commission Act, and shall be subject to enforcement by the Commission with respect to any entity or person subject to enforcement by the Commission pursuant to this subsection, irrespective of whether such person or entity is engaged in commerce or meets any other jurisdictional tests under the Federal Trade Commission Act.

''(3) The Commission shall have such procedural, investigative, and enforcement powers, including the power to issue procedural rules in enforcing compliance with the requirements imposed by this Act and to require the filing of reports, the production of documents, and the appearance of witnesses, as though the applicable terms and conditions of the Federal Trade Commission Act were part of this Act.

''(4) Any person or entity violating any provision of this Act shall be subject to the penalties, and entitled to the privileges and immunities, provided in the Federal Trade Commission Act as though the applicable terms and provisions of the Federal Trade Commission Act were part of this Act.

''(5)(A) The Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person or entity that has engaged in such violation. In such action, such person or entity shall be liable, in addition to any amounts otherwise recoverable, for a civil penalty in the amount of $5,000 to $50,000, as determined appropriate by the court for each violation.

''(B) In determining the amount of a civil penalty under subparagraph (A), the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

''(b) ENFORCEMENT BY OTHER REGULATORY AGENCIES.—Compliance with the requirements imposed by this Act with respect to financial institutions shall be enforced under—

''(1) section 8 of the Federal Deposit Insurance Act, in the case of—

''(A) national banks, and Federal branches and Federal agencies of foreign banks, and any subsidiaries of such (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Office of the Comptroller of the Currency;

''(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organization operating under section 25 or 25A of the Federal Reserve Act, and bank holding companies and their nonbank subsidiaries or affiliates (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Governors of the Federal Reserve System; and

''(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, and any subsidiaries of such entities (except brokers, dealers, persons providing insurance, investment companies, and investment advisers) by the Board of Directors of the Federal Deposit Insurance Corporation;

''(2) section 8 of the Federal Deposit Insurance Act, by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation and any subsidiaries of such saving associations (except brokers, dealers, persons providing insurance, investment companies, and investment advisers);

''(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any federally insured credit union, and any subsidiaries of such an entity;

''(4) State insurance law, by the applicable State insurance authority of the State in which a person is domiciled, in the case of a person providing insurance; and

''(5) the Federal Trade Commission Act, by the Federal Trade Commission for any other financial institution or other person that is not subject to the jurisdiction of any agency or authority under paragraphs (1) through (4).

''(c) PRIVATE CAUSE OF ACTION.—A servicemember, dependent, or other person protected by a provision of this Act may commence an action in a district court of the United States, or in a State court of competent jurisdiction, to seek enforcement of the protection afforded by such provision and the imposition of civil liability as specified such provision or section 801.

''(d) CONSTRUCTION OF ENFORCEMENT.—

''(1) ENFORCEMENT BY FTC.—The enforcement of the provisions of this Act by the Federal Trade Commission pursuant to subsection (a) shall be in addition to any other enforcement of such provisions by the Department of Justice, private cause of action, or other mechanism afforded by State law.

''(2) CONSTRUCTION OF REMEDIES.—The remedies for violations of the provisions of this Act provided for under subsections (a), (b), and (c) are in addition to any other remedies for violations of such provisions under Federal or State law.''.

(2) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by adding at the end the following new items:

''TITLE VIII—CIVIL LIABILITY FOR NONCOMPLIANCE AND ENFORCEMENT

''Sec. 801. Civil liability for noncompliance.

''Sec. 802. Administrative enforcement.''.

(b) LIABILITY FOR NONCOMPLIANCE.—

(1) Section 301(c) of the Servicemembers Civil Relief Act (50 U.S.C. App. 531(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(2) Section 302(b) of that Act (50 U.S.C. App. 532(b)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(3) Section 303(d) of that Act (50 U.S.C. App. 533(d)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(4) Section 305(h) of that Act (50 U.S.C. App. 535(h)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(5) Section 306(e) of that Act (50 U.S.C. App. 536(e)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

(6) Section 307(c) of that Act (50 U.S.C. App. 537(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) CIVIL LIABILITY FOR NONCOMPLIANCE.—Any person or entity (other than a servicemember or dependent) who fails to comply with any requirement imposed by this section with respect to a servicemember or dependent is liable to such servicemember or dependent in an amount equal to the sum of—

''(A) any actual damages sustained by such servicemember or dependent as a result of the failure;

''(B) such amount of punitive damages as the court may allow;

''(C) such amount of consequential damages as the court may allow;

''(D) such additional damages as the court may allow, in an amount not less than $100 or more than $5,000 (as determined appropriate by the court), for each violation; and

''(E) in the case of any successful action to enforce liability under this section, the cost

of the action together with reasonable attorneys fees as determined by the court.

''(3) ATTORNEY FEES.—On a finding by the court that an unsuccessful pleading, motion, or other paper filed in connection with an action under this section was filed in bad faith or for the purposes of harassment, the court shall award to the prevailing party attorney fees in amount that is reasonable in relation to the work expended in responding to such pleading, motion, or other paper.''.

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

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

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

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

(A) During initial entry training.

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

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

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

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

**SEC. ___. 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.

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**SA 1941.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) MENTAL HEALTH SCREENINGS FOR MEMBERS OF THE ARMED FORCES.—Of the amount appropriated by title VI under the heading ''DEFENSE HEALTH PROGRAM'', up to $10,000,000 may be used for mental health screenings of members of the Armed Forces for Post Traumatic Stress Disorder (PTSD) and other mental health conditions.

(b) SCOPE OF SCREENINGS.—The mental health screenings provided utilizing funds available under subsection (a) shall include screenings for—

(1) Post Traumatic Stress Disorder;

(2) traumatic brain injury;

(3) alcohol abuse;

(4) drug abuse; and

(5) such other mental health disorders as the Secretary of Defense considers appropriate.

(c) TIMING OF SCREENINGS.—The mental health screenings provided utilizing funds available under subsection (a) shall be performed on members of the Armed Forces as follows:

(1) During pre-mobilization.

(2) During post-mobilization.

(3) In conjunction with any screening for HIV/AIDS.

(4) In conjunction with any other physical examination during service in the Armed Forces or in connection with status as a member of the Armed Forces.

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**SA 1942.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) IMPLEMENTATION OF IMT-2000 3G COMMUNICATIONS CAPABILITIES.—Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', up to $10,000,000 may be used by the United States Northern Command for the purposes of implementing IMT–2000 3G Standards Based Communications Information Extension capabilities for the Gulf States and key entities within the Northern Command Area of Responsibility (AOR).

(b) IMPLEMENTATION OF IMT–2000 3G COMMUNICATIONS CAPABILITIES.—Of the amount appropriated or otherwise made available by title III under the heading ''OTHER PROCUREMENT, AIR FORCE'', up to $20,000,000 may be used by the United States Northern Command for the purposes of implementing IMT–2000 3G Standards Based Communications Information Extension capabilities for the Gulf States and key entities within the Northern Command Area of Responsibility (AOR).

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**SA 1943.** Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) ADDITIONAL AMOUNTS FOR INCREASED PERSONNEL STRENGTHS FOR ARMY AND MARINE CORPS FOR FISCAL YEAR 2006.—

(1) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby increased by $1,081,640,000.

(2) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, MARINE CORPS.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, MARINE CORPS'' is hereby increased by $31,431,000.

(3) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby increased by $121,397,000.

(4) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL, ARMY.—The amount appropriated by title I under the heading ''MILITARY PERSONNEL, ARMY''is hereby increased by $2,527,520,000.

(5) ADDITIONAL AMOUNT FOR MILITARY PERSONNEL, MARINE CORPS.—The amount appropriated by title I under the heading ''MILITARY PERSONNEL, MARINE CORPS'' is hereby increased by $170,571,000.

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

(1) MILITARY PERSONNEL, ARMY.—The amount appropriated by title IX under the heading ''MILITARY PERSONNEL, ARMY'' is hereby reduced by $2,527,520,000.

(2) MILITARY PERSONNEL, MARINE CORPS.—The amount appropriated by title IX under the heading ''MILITARY PERSONNEL, MARINE CORPS'' is hereby reduced by $170,571,000.

(3) OPERATION AND MAINTENANCE, ARMY.—The amount appropriated by title IX under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby reduced by $1,081,640,000.

(4) OPERATION AND MAINTENANCE, MARINE CORPS.—The amount appropriated by title IX under the heading ''OPERATION AND MAINTENANCE, MARINE CORPS'' is hereby reduced by $31,431,000.

(5) OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount appropriated by title IX under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' is hereby reduced by $121,397,000.

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**SA 1944.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 213. KNOWLEDGE DISCOVERY TOOLKIT.**

Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, $6,000,000 shall be available for the Knowledge Discovery Toolkit.

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**SA 1945.** Mr. ROBERTS submitted an amendment intended to be proposed by

him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220 after line 25, insert the following:

SEC. . Of the amounts appropriated by title VII under the heading ''Intelligence Community Management Account'', up to $2,000,000 may be used for the Pat Roberts Intelligence Scholars Program

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**SA 1946.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title III under the heading ''PROCUREMENT, MARINE CORPS'', $1,500,000 may be made available for field medical equipment for the procurement of rapid intravenous (IV) infusion pumps and associated IV and blood cartridges.

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**SA 1947.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) BLAST INJURY PREVENTION, MITIGATION, AND TREATMENT INITIATIVE OF THE ARMY.—Of the amount appropriated by title IX under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to the amounts as follows may be available for programs and activities relating to the blast injury prevention, mitigation, and treatment initiative:

(1) $1,000,000 for Program Element #62787A for characterization of armor for blast, ballistic, and fire protection.

(2) $1,000,000 for Program Element #63002A for far forward use of recombinant activated factor VII.

(3) $1,000,000 for Program Element #63002A for warfighter face, eye, and ear protection.

(4) $1,000,000 for Program Element #63807A for extended shelf life of red blood cells.

(b) BLAST INJURY PREVENTION, MITIGATION, AND TREATMENT INITIATIVE OF THE NAVY.—Of the amount appropriated by title IX under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $1,000,000 may be made available for the blast injury prevention, mitigation, and treatment initiative for Program Element #62131m for combat headborne system research.

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**SA 1948.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Any limitation, directive, or earmarking contained in either the House of Representatives or Senate report accompanying H.R. 2863 shall also be included in the conference report or joint statement accompanying H.R. 2863 in order to be considered as having been approved by both Houses of Congress.

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**SA 1949.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 238, between lines 4 and 5, insert the following:

SEC. 9014. None of the funds appropriated or otherwise made available in this Act may be used to charter a commercial cruise line vessel for a period exceeding 2 months.

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**SA 1950.** Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, strike lines 19 and 20 and insert the following:

''(2) Military legal assistance may be provided only by a judge advocate or a civilian attorney who is a member of the bar of a Federal court or of the highest court of a State.

''(3) In this subsection, the term 'military legal assistance' includes—

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**SA 1951.** Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 244. DESIGNATION OF FACILITIES AND RESOURCES CONSTITUTING THE MAJOR RANGE AND TEST FACILITY BASE.**

(a) DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.—Section 196(h) of title 10, United States Code, is amended by striking ''Director of Operational Test and Evaluation'' and inserting ''Secretary of Defense''.

(b) INSTITUTIONAL FUNDING OF TEST AND EVALUATION ACTIVITIES.—Section 232(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2490) is amended by striking ''Director of Operational Test and Evaluation'' and inserting ''Secretary of Defense''.

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**SA 1952.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 244. DELAYED EFFECTIVE DATE FOR LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.**

(a) DELAYED EFFECTIVE DATE.—Section 152(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1578), as amended by section 218(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1952; 10 U.S.C. 2281 note), is further amended by striking ''2005'' and inserting ''2007''.

(b) RATIFICATION OF ACTIONS.—Any obligation or expenditure of funds by the Department of Defense during the period beginning on October 1, 2005, and ending on the date of the enactment of this Act to modify or procure a Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver is hereby ratified.

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**SA 1953.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 330. CURTAILMENT OF WASTE UNDER DEPARTMENT OF DEFENSE WEB-BASED TRAVEL SYSTEM.**

(a) PROHIBITION ON USE OF FUNDS.—No funds available to the Department of Defense may be obligated or expended after October 1, 2005, for the further development, deployment, or operation of any web-based, end-to-end travel management system, or services under any contract for such travel services that provides for payment by the Department of Defense to the service provider above, or in addition to, a fixed price transaction fee for eTravel services under the General Services Administration eTravel contract.

(b) CONSTRUCTION OF PROHIBITION.—Nothing in subsection (a) shall be construed as restricting the ability of the Department of Defense from obtaining eTravel services from any provider under the General Services Administration eTravel contract, provided that—

(1) such provider receives no payment for such services above, or in addition to, a fixed price transaction fee; and

(2) such provider provides to the Department of Defense a written guarantee that all commercial air travel is secured at the lowest available price, consistent with Federal Travel Regulations and the mission objective of the traveler.

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**SA 1954.** Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. 522. RECRUITMENT AND ENLISTMENT OF HOME SCHOOLED STUDENTS IN THE ARMED FORCES.**

(a) POLICY ON RECRUITMENT AND ENLISTMENT.—

(1) POLICY REQUIRED.—The Secretary of Defense shall prescribe a policy on the recruitment and enlistment of home schooled students in the Armed Forces.

(2) UNIFORMITY ACROSS THE ARMED FORCES.—The Secretary shall ensure that the policy prescribed under paragraph (1) applies, to the extent practicable, uniformly across the Armed Forces.

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

(1) An identification of a graduate of home schooling for purposes of recruitment and enlistment in the Armed Forces that is in accordance with the requirements described in subsection (c).

(2) Provision for the treatment of graduates of home schooling with no practical limit with regard to enlistment eligibility.

(3) An exemption of graduates of home schooling from the requirement for a secondary school diploma or an equivalent (GED) as a precondition for enlistment in the Armed Forces.

(c) HOME SCHOOL GRADUATES.—In prescribing the policy, the Secretary of Defense shall prescribe a single set of criteria to be utilized by the Armed Forces in determining whether an individual is a graduate of home schooling. The Secretary concerned shall ensure compliance with education credential coding requirements.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' has the meaning given such term in section 101(a)(9) of title 10, United States Code.

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**SA 1955.** Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 1. SHORT TITLE.**

Divisions A, B, and C constitute an Act that may be cited as the ''National Defense Authorization Act for Fiscal Year 2006''.

**SEC. 2. ORGANIZATION INTO DIVISIONS; TABLE OF CONTENTS.**

(a) DIVISIONS.—The Act constituted by divisions A, B, and C are the three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for the Act constituted by divisions A, B, and C is as follows:


Sec. 1. Short title.
Sec. 2. Organization into divisions; table of contents.
Sec. 3. Congressional defense committees.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.

**Subtitle B—Army Programs**

Sec. 111. Multiyear procurement authority for AH–64D Apache attack helicopter block II conversions.
Sec. 112. Multiyear procurement authority for modernized target acquisition designation/pilot night vision sensors for AH–64D Apache attack helicopters.
Sec. 113. Multiyear procurement authority for utility helicopters.

**Subtitle C—Navy Programs**

Sec. 121. Prohibition on acquisition of next generation destroyer (DD(X)) through a single naval shipyard.
Sec. 122. Split funding authorization for CVN–78 aircraft carrier.
Sec. 123. LHA replacement (LHA(R)) ship.
Sec. 124. Refueling and complex overhaul of the U.S.S. Carl Vinson.

**Subtitle D—Air Force Programs**

Sec. 131. Multiyear procurement authority for C–17 aircraft.
Sec. 132. Prohibition on retirement of KC–135E aircraft.
Sec. 133. Use of Tanker Replacement Transfer Fund for modernization of aerial refueling tankers.
Sec. 134. Prohibition on retirement of F–117 aircraft.
Sec. 135. Prohibition on retirement of C–130E/H tactical airlift aircraft.
Sec. 136. Procurement of C–130J/KC–130J aircraft after fiscal year 2005.
Sec. 137. Aircraft for performance of aeromedical evacuations.

**Subtitle E—Defense-Wide Programs**

Sec. 151. Advanced SEAL Delivery System.

**TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**Subtitle A—Authorization of Appropriations**

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for science and technology.

**Subtitle B—Program Requirements, Restrictions, and Limitations**

Sec. 211. Contract for the procurement of the Future Combat System (FCS).
Sec. 212. Joint field experiment on stability and support operations.
Sec. 213. Towed Array Handler.
Sec. 214. Telemedicine and Advanced Technology Research Center.
Sec. 215. Chemical demilitarization facilities.

**Subtitle C—Missile Defense Programs**

Sec. 221. One-year extension of Comptroller General assessments of ballistic missile defense programs.
Sec. 222. Fielding of ballistic missile defense capabilities.
Sec. 223. Plans for test and evaluation of operational capability of the Ballistic Missile Defense System.

**Subtitle D—High-Performance Defense Manufacturing Technology Research and Development**

Sec. 231. Research and development.
Sec. 232. Transition of transformational manufacturing processes and technologies to the defense manufacturing base.
Sec. 233. Manufacturing technology strategies.
Sec. 234. Report.
Sec. 235. Definitions.

**Subtitle E—Other Matters**

Sec. 241. Expansion of eligibility for leadership of Department of Defense Test Resource Management Center.
Sec. 242. Technology transition.
Sec. 243. Prevention, mitigation, and treatment of blast injuries.
Sec. 244. Modification of requirements for reports on program to award prizes for advanced technology achievements.

**TITLE III—OPERATION AND MAINTENANCE**

**Subtitle A—Authorization of Appropriations**

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Other Department of Defense programs.

**Subtitle B—Environmental Provisions**

Sec. 311. Elimination and simplification of certain items required in the annual report on environmental quality programs and other environmental activities.
Sec. 312. Payment of certain private cleanup costs in connection with the Defense Environmental Restoration Program.

**Subtitle C—Other Matters**

Sec. 321. Aircraft carriers.
Sec. 322. Limitation on transition of funding for East Coast shipyards from funding through Navy Working Capital Fund to direct funding.
Sec. 323. Use of funds from National Defense Sealift Fund to exercise purchase options on maritime prepositioning ship vessels.
Sec. 324. Purchase and destruction of weapons overseas.
Sec. 325. Increase in maximum contract amount for procurement of supplies and services from exchange stores outside the United States.
Sec. 326. Extension of authority to provide logistics support and services for weapon systems contractors.
Sec. 327. Army training strategy.
Sec. 328. Limitation on financial management improvement and audit initiatives within the Department of Defense.
Sec. 329. Study on use of ethanol fuel.

**TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

**Subtitle A—Active Forces**

Sec. 401. End strengths for active forces.
Sec. 402. Revision of permanent active duty end strength minimum levels.

**Subtitle B—Reserve Forces**

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2006 limitations on non-dual status technicians.

**Subtitle C—Authorizations of Appropriations**

Sec. 421. Authorization of appropriations for military personnel.
Sec. 422. Armed Forces Retirement Home.

**TITLE V—MILITARY PERSONNEL POLICY**

**Subtitle A—Officer Personnel Policy**

Sec. 501. Exclusion of general and flag officers on leave pending separation or retirement from computation of active duty officers for general and flag officer distribution and strength limitations.
Sec. 502. Expansion of joint duty assignments for reserve component general and flag officers.
Sec. 503. Deadline for receipt by promotion selection boards of correspondence from eligible officers.
Sec. 504. Furnishing to promotion selection boards of adverse information on officers eligible for promotion to certain senior grades.
Sec. 505. Grades of the Judge Advocates General.
Sec. 506. Temporary extension of authority to reduce minimum length of commissioned service for voluntary retirement as an officer.
Sec. 507. Modification of strength in grade limitations applicable to reserve flag officers in active status.
Sec. 508. Uniform authority for deferment of separation of reserve general and flag officers for age.

**Subtitle B—Enlisted Personnel Policy**

Sec. 521. Uniform citizenship or residency requirements for enlistment in the Armed Forces.

**Subtitle C—Reserve Component Personnel Matters**

Sec. 531. Requirements for physical examinations and medical and dental readiness for members of the Selected Reserve not on active duty.
Sec. 532. Repeal of limitation on amount of financial assistance under Reserve Officers' Training Corps scholarship program.
Sec. 533. Procedures for suspending financial assistance and subsistence allowance for senior ROTC cadets and midshipmen on the basis of health-related conditions.
Sec. 534. Increase in maximum number of Army Reserve and Army National Guard cadets under Reserve Officers' Training Corps.
Sec. 535. Modification of educational assistance for Reserves supporting contingency and other operations.
Sec. 536. Repeal of limitation on authority to redesignate the Naval Reserve as the Navy Reserve.
Sec. 537. Performance by reserve component personnel of operational test and evaluation and training relating to new equipment.

**Subtitle D—Military Justice and Related Matters**

Sec. 551. Modification of periods of prosecution by courts-martial for murder, rape, and child abuse.
Sec. 552. Establishment of offense of stalking.
Sec. 553. Clarification of authority of military legal assistance counsel.
Sec. 554. Administrative censures of members of the Armed Forces.
Sec. 555. Reports by officers and senior enlisted personnel of matters relating to violations or alleged violations of criminal law.

**Subtitle E—Military Service Academies**

Sec. 561. Authority to retain permanent military professors at the Naval Academy after more than 30 years of service.

**Subtitle F—Administrative Matters**

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Sec. 572. Limitation on conversion of military medical and dental billets to civilian positions.

**Subtitle G—Defense Dependents Education Matters**

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Sec. 602. Enhanced authority for agency contributions for members of the Armed Forces participating in the Thrift Savings Plan.
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Sec. 611. One-year extension of certain bonus and special pay authorities for Reserve forces.
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Sec. 615. Payment and repayment of assignment incentive pay.
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Sec. 619. Retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty.
Sec. 620. Termination of limitation on duration of payment of imminent danger special pay during hospitalization.
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Sec. 622. Authority to pay foreign language proficiency pay to members on active duty as a bonus.
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**Subtitle D—Defense Acquisition Workforce Matters**

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Sec. 1007. Monthly disbursement to States of State income tax voluntarily withheld from retired or retainer pay.
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**Subtitle G—Other Matters**

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**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES**

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Sec. 2602. Specific authorized Army National Guard construction projects.
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Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
Sec. 2702. Extension of authorizations of certain fiscal year 2003 projects.
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**TITLE XXVIII—GENERAL PROVISIONS**

**Subtitle A—Military Construction Program and Military Family Housing Changes**

Sec. 2801. Increase in thresholds for unspecified minor military construction projects.
Sec. 2802. Modification of cost variation authority.
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Sec. 2806. Authority to carry out exchanges of facilities including associated utilities, equipment, and furnishings.
Sec. 2807. Increase in number of family housing units in Korea authorized for lease by the Army at maximum amount.

**Subtitle B—Real Property and Facilities Administration**

Sec. 2821. Authority to lease non-excess property of Department of Defense field activities.
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**Subtitle C—Land Conveyances**

PART I—ARMY CONVEYANCES

Sec. 2841. Land conveyance, Helena, Montana.
Sec. 2842. Land conveyance, Army Reserve Center, Bothell, Washington.

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**Subtitle D—Other Matters**

Sec. 2881. Reorganization and technical improvement of codified laws applicable to real property of the Department of Defense.
Sec. 2882. Report on application of force protection and anti-terrorism standards to leased facilities.
Sec. 2883. Construction at Fort Buchanan, Puerto Rico, for reserve components.–
Sec. 2884. Authority to use Papago Park Military Reservation, Arizona, for general military purposes.
Sec. 2885. One-year extension of Department of Defense laboratory revitalization program.
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**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental management.
Sec. 3103. Other defense activities.
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Sec. 3111. Report on compliance with design basis threat.
Sec. 3112. Cost estimate for waste treatment and immobilization plant project, Hanford site, Richland, Washington.
Sec. 3113. Report on international border security programs.
Sec. 3114. Clarification of cooperative agreement authority under chemical demilitarization program.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

Sec. 3201. Authorization.

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

Sec. 3301. Revisions to required receipt objectives for previously authorized disposals from National Defense Stockpile.


**SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

For purposes of the Act constituted by divisions A, B, and C, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

**SEC. 101. ARMY.**

Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Army as follows:

(1) For aircraft, $2,800,880,000.
(2) For missiles, $1,265,850,000.
(3) For weapons and tracked combat vehicles, $1,692,549,000.
(4) For ammunition, $1,830,672,000.
(5) For other procurement, $4,339,434,000.

**SEC. 102. NAVY AND MARINE CORPS.**

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Navy as follows:

(1) For aircraft, $9,946,926,000.
(2) For weapons, including missiles and torpedoes, $2,749,441,000.
(3) For shipbuilding and conversion, $9,057,865,000.

(4) For other procurement, $5,596,218,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Marine Corps in the amount of $1,386,705,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement of ammunition for the Navy and the Marine Corps in the amount of $892,849,000.

**SEC. 103. AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement for the Air Force as follows:

(1) For aircraft, $13,212,633,000.

(2) For missiles, $5,500,287,000.

(3) For ammunition, $1,031,207,000.

(4) For other procurement, $14,027,889,000.

**SEC. 104. DEFENSE-WIDE ACTIVITIES.**

Funds are hereby authorized to be appropriated for fiscal year 2006 for Defense-wide procurement in the amount of $2,784,832,000.

## Subtitle B—Army Programs

**SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR AH–64D APACHE ATTACK HELICOPTER BLOCK II CONVERSIONS.**

Beginning with the fiscal year 2006 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of AH–64D Apache attack helicopter block II conversions.

**SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR MODERNIZED TARGET ACQUISITION DESIGNATION/PILOT NIGHT VISION SENSORS FOR AH–64D APACHE ATTACK HELICOPTERS.**

Beginning with the fiscal year 2006 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of modernized target acquisition designation/pilot night vision sensors for AH–64D Apache attack helicopters.

**SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR UTILITY HELICOPTERS.**

(a) UH–60M BLACK HAWK HELICOPTERS.—Beginning with the fiscal year 2006 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for the procurement of UH–60M Black Hawk helicopters.

(b) MH–60S SEAHAWK HELICOPTERS.—Beginning with the fiscal year 2007 program year, the Secretary of the Army, acting as executive agent for the Department of the Navy, may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for the procurement of MH–60S Seahawk helicopters.

## Subtitle C—Navy Programs

**SEC. 121. PROHIBITION ON ACQUISITION OF NEXT GENERATION DESTROYER (DD(X)) THROUGH A SINGLE NAVAL SHIPYARD.**

(a) PROHIBITION.—Destroyers under the next generation destroyer (DD(X)) program may not be acquired through a winner-take-all acquisition strategy.

(b) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated by this Act, or any other Act, may be obligated or expended to prepare for, conduct, or implement a strategy for the acquisition of destroyers under the next generation destroyer program through a winner-take-all acquisition strategy.

(c) WINNER-TAKE-ALL ACQUISITION STRATEGY DEFINED.—In this section, the term ''winner-take-all acquisition strategy'', with respect to the acquisition of destroyers under the next generation destroyer program, means the acquisition (including design and construction) of such destroyers through a single shipyard.

**SEC. 122. SPLIT FUNDING AUTHORIZATION FOR CVN–78 AIRCRAFT CARRIER.**

(a) AUTHORITY TO USE SPLIT FUNDING.—The Secretary of the Navy is authorized to fund the detail design and construction of the aircraft carrier designated CVN–78 using split funding in the Shipbuilding and Conversion, Navy account in fiscal years 2007, 2008, 2009, and 2010.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into for the detail design and construction of the aircraft carrier designated CVN–78 shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for such fiscal year.

**SEC. 123. LHA REPLACEMENT (LHA(R)) SHIP.**

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT FOR FISCAL YEAR 2006.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2006 for shipbuilding and conversion, Navy, $325,447,000 shall be available for design, advance procurement, advance construction, detail design, and construction with respect to the LHA Replacement (LHA(R)) ship.

(b) AMOUNTS AUTHORIZED FROM SCN ACCOUNT FOR FISCAL YEARS 2007 AND 2008.—Amounts authorized to be appropriated for fiscal years 2007 and 2008 for shipbuilding and conversion, Navy, shall be available for construction with respect to the LHA Replacement ship.

(c) CONTRACT AUTHORITY.—

(1) DESIGN, ADVANCE PROCUREMENT, AND ADVANCE CONSTRUCTION.—The Secretary of the Navy may enter into a contract during fiscal year 2006 for design, advance procurement, and advance construction with respect to the LHA Replacement ship.

(2) DETAIL DESIGN AND CONSTRUCTION.—The Secretary may enter into a contract during fiscal year 2006 for the detail design and construction of the LHA Replacement ship.

(d) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (c) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for that purpose for such fiscal year.

(e) FUNDING AS INCREMENT OF FULL FUNDING.—The amounts available under subsections (a) and (b) for the LHA Replacement Ship are the first increments of funding for the full funding of the LHA Replacement (LHA(R)) ship program.

**SEC. 124. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. CARL VINSON.**

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of the amount authorized to be appropriated by section 102(a)(3) for fiscal year 2006 for shipbuilding and conversion, Navy, $1,493,563,000 shall be available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN–70). The amount available under the preceding sentence is the first increment in the incremental funding planned for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson.

(b) CONTRACT AUTHORITY.—The Secretary of the Navy may enter into a contract during fiscal year 2006 for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2006 is subject to the availability of appropriations for that purpose for such fiscal year.

## Subtitle D—Air Force Programs

**SEC. 131. MULTIYEAR PROCUREMENT AUTHORITY FOR C–17 AIRCRAFT.**

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—Beginning with the fiscal year 2006 program year, the Secretary of the Air Force may exercise the option on the existing multiyear procurement contract for C–17 aircraft in order to enter into a multiyear contract for the procurement of up to 42 additional C–17 aircraft. A contract entered into under this subsection shall be entered into in accordance with section 2306b of title 10, United States Code.

(b) REQUIRED CERTIFICATION.—Prior to the exercise of the authority in subsection (a), the Secretary of Defense shall certify to the congressional defense committees that the additional airlift capability to be provided by the C–17 aircraft to be procured under that authority is consistent with the results of the Mobility Capabilities Study to be completed in fiscal year 2005.

**SEC. 132. PROHIBITION ON RETIREMENT OF KC–135E AIRCRAFT.**

The Secretary of the Air Force may not retire any KC–135E aircraft of the Air Force in fiscal year 2006.

**SEC. 133. USE OF TANKER REPLACEMENT TRANSFER FUND FOR MODERNIZATION OF AERIAL REFUELING TANKERS.**

In addition to providing funds for a tanker acquisition program as specified in section 8132 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat, 1001), funds in the Tanker Replacement Transfer Fund established by that section may be used for the modernization of existing aerial refueling tankers if the modernization of such tankers is consistent with the results of the analysis of alternatives for meeting the aerial refueling requirements of the Air Force as required by section 134(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1413).

**SEC. 134. PROHIBITION ON RETIREMENT OF F–117 AIRCRAFT.**

The Secretary of the Air Force may not retire any F–117 Nighthawk stealth attack aircraft of the Air Force in fiscal year 2006.

**SEC. 135. PROHIBITION ON RETIREMENT OF C–130E/H TACTICAL AIRLIFT AIRCRAFT.**

The Secretary of the Air Force may not retire any C–130E/H tactical airlift aircraft of the Air Force in fiscal year 2006.

**SEC. 136. PROCUREMENT OF C–130J/KC–130J AIRCRAFT AFTER FISCAL YEAR 2005.**

Any C–130J/KC–130J aircraft procured after fiscal year 2005 (including C–130J/KC–130J aircraft procured through a multiyear contract continuing in force from a fiscal year before fiscal year 2006) shall be procured through a contract under part 15 of the Federal Acquisition Regulation (FAR), relating to acquisition of items by negotiated contract (48 C.F.R. 15.000 et seq.), rather than through a contract under part 12 of the Federal Acquisition Regulation, relating to acquisition of commercial items (48 C.F.R. 12.000 et seq.).

**SEC. 137. AIRCRAFT FOR PERFORMANCE OF AEROMEDICAL EVACUATIONS.**

(a) REQUIREMENT TO PROCURE.—The Secretary of the Air Force shall procure aircraft for the purpose of providing aeromedical evacuation services to severely injured or ill personnel.

(b) REQUIRED CAPABILITIES.—The aircraft procured under subsection (a) shall be capable of providing nonstop aeromedical evacuations across the Atlantic Ocean.

(c) EQUIPPING.—Any aircraft procured under subsection (a) shall be equipped with current aeromedical support facilities, including electrical systems, sanitation, temperature controls, pressurization capacity,

safe medical storage, equipment and medicines for life support and emergency purposes, food preparation facilities, and such other facilities as the Secretary considers appropriate for the provision of aeromedical evacuation services.

(d) DEDICATED MISSION.—Each aircraft procured and equipped under this section shall be assigned the dedicated mission of providing aeromedical evacuation services as described in subsection (a).

(e) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated by section 103(1) for aircraft procurement for the Air Force, $200,000,000 shall be available for the procurement and equipping of up to two aircraft under this section.

### Subtitle E—Defense-Wide Programs

**SEC. 151. ADVANCED SEAL DELIVERY SYSTEM.**

(a) LIMITATION ON AVAILABILITY OF FUNDS FOR ADVANCE PROCUREMENT.—No funds authorized to be appropriated by this Act for fiscal year 2006 for advance procurement of components for the Advanced SEAL Delivery System may be obligated or expended for that purpose until 30 days after the date on which the Secretary of Defense certifies to the congressional defense committees that the Under Secretary of Defense for Acquisition, Technology, and Logistics has made a favorable milestone C decision regarding the Advanced SEAL Delivery System. The certification shall be submitted together with the comprehensive report on the Advanced SEAL Delivery System required by subsection (b).

(b) REPORT.—As soon as possible after completion of the review of the Advanced SEAL Delivery System by the Defense Acquisition Board, the Secretary shall submit to the congressional defense committees a report that includes the following:

(1) The result of the milestone C decision on the Advanced SEAL Delivery System made by the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Such recommendations as the Secretary considers appropriate regarding the continuation, restructuring, or termination of the Advanced SEAL Delivery System program, including recommendations on adjustments to contractual arrangements in connection with the continuation, restructuring, or termination of the program.

(3) A detailed summary of the revised cost estimate and future cost estimates for the Advanced SEAL Delivery System program, which cost estimates shall be validated for purposes of the report by the Cost Analysis and Improvement Group within the Office of the Secretary of Defense.

(4) A detailed acquisition strategy for the Advanced SEAL Delivery System, if the Secretary recommends the continuation or restructuring of the Advanced SEAL Delivery System program under paragraph (2).

(5) A plan to demonstrate realistic strategies for solving any technical and performance problems identified during the final operational test and evaluation of the Advanced SEAL Delivery System proposed to be conducted during the summer of 2005.

(c) COMPTROLLER GENERAL REVIEW.—

(1) IN GENERAL.—In order to achieve the purposes set forth in paragraph (2), the Comptroller General of the United States shall—

(A) review the adequacy of the final operational test and evaluation test plan for the Advanced SEAL Delivery System;

(B) review the results of the operational test of the Advanced SEAL Delivery System; and

(C) update the March 2003 Comptroller General report entitled Defense Acquisition, Advanced SEAL Delivery System Program Needs Increased Oversight (GAO–03–442).

(2) PURPOSES.—The purposes of the review and update under paragraph (1) are as follows:

(A) To examine the progress made toward meeting operational requirements and technical challenges with respect to the Advanced SEAL Delivery System.

(B) To assess the capacity of the Advanced SEAL Delivery System program to meet schedule and cost projections for that program.

(C) To identify and evaluation any remaining factors that may contribute to potential future problems for the Advanced SEAL Delivery System program.

(3) REPORT.—The Comptroller General shall submit to the congressional defense committees a report on the activities of the Comptroller General under paragraph (1) not later than February 1, 2006.

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### Subtitle A—Authorization of Appropriations

**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $9,717,824,000.

(2) For the Navy, $18,398,091,000.

(3) For the Air Force, $22,636,568,000.

(4) For Defense-wide activities, $19,011,754,000, of which $168,458,000 is authorized for the Director of Operational Test and Evaluation.

**SEC. 202. AMOUNT FOR SCIENCE AND TECHNOLOGY.**

(a) AMOUNT FOR PROJECTS.—Of the total amount authorized to be appropriated by section 201, $10,924,401,000 shall be available for science and technology projects.

(b) SCIENCE AND TECHNOLOGY DEFINED.—In this section, the term ''science and technology project'' means work funded in program elements for defense research, development, test, and evaluation under Department of Defense budget activities 1, 2, or 3.

### Subtitle B—Program Requirements, Restrictions, and Limitations

**SEC. 211. CONTRACT FOR THE PROCUREMENT OF THE FUTURE COMBAT SYSTEM (FCS).**

The Secretary of the Army shall procure the Future Combat System (FCS) through a contract under part 15 of the Federal Acquisition Regulation (FAR), relating to acquisition of items by negotiated contract (48 C.F.R. 15.000 et seq.), rather than through a transaction under section 2371 of title 10, United States Code.

**SEC. 212. JOINT FIELD EXPERIMENT ON STABILITY AND SUPPORT OPERATIONS.**

(a) JOINT FIELD EXPERIMENT REQUIRED.—The Secretary of Defense shall, in fiscal year 2006, carry out a joint field experiment to address matters relating to stability and support operations.

(b) PURPOSES.—The purposes of the joint field experiment under subsection (a) are as follows:

(1) To explore critical challenges associated with the planning and execution of military and support activities required in the post-conflict environment following major combat activities.

(2) To facilitate the development of recommendations for appropriate policy, doctrine, training infrastructure, and organizational structures to best facilitate the conduct of effective stability and support operations in such an environment.

(c) PARTICIPATING ELEMENTS AND FORCES.—

(1) IN GENERAL.—The joint field experiment under subsection (a) shall involve—

(A) elements of the Army, the Marine Corps, and the Special Operations Command selected by the Secretary for purposes of the field experiment;

(B) representatives of policy elements within the Department selected by the Secretary for such purposes; and

(C) any other forces or elements of the Department that the Secretary considers appropriate for such purposes.

(2) ADDITIONAL ELEMENTS.—The Secretary shall also invite the participation in the field experiment of appropriate elements of other departments and agencies of the United States Government, and of such elements and forces of coalition nations, as the Secretary considers appropriate for purposes of the field experiment.

(d) REPORT.—Not later than January 31, 2007, the Secretary shall submit to the congressional defense committees a report on the joint field experiment under subsection (a). The report shall include—

(1) a description of the field experiment;

(2) the findings of the Secretary as a result of the field experiment; and

(3) such recommendations, including recommendations for additional legislative or administrative actions and recommendations on funding required to implement such actions, as the Secretary considers appropriate in light of the field experiment.

**SEC. 213. TOWED ARRAY HANDLER.**

(a) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604503N for the design, development, and test of improvements to the towed array handler is hereby increased by $5,000,000 in order to increase the reliability of the towed array and the towed array handler by capitalizing on ongoing testing and evaluation of such systems.

(b) OFFSET.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, the amount available for Program Element 0604558N for new design for the Virginia Class submarine for the large aperture bow array is hereby reduced by $5,000,000.

**SEC. 214. TELEMEDICINE AND ADVANCED TECHNOLOGY RESEARCH CENTER.**

Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, $1,000,000 may be available for Medical Advanced Technology (PE #603002A) for the Telemedicine and Advanced Technology Research Center.

**SEC. 215. CHEMICAL DEMILITARIZATION FACILITIES.**

(a) AUTHORITY TO USE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS TO CONSTRUCT FACILITIES.—The Secretary of Defense may, using amounts authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide and available for chemical weapons demilitarization activities under the Assembled Chemical Weapons Alternatives program, carry out construction projects, or portions of construction projects, for facilities necessary to support chemical demilitarization operations at each of the following:

(1) Pueblo Army Depot, Colorado.

(2) Blue Grass Army Depot, Kentucky.

(b) SCOPE OF AUTHORITY.—The authority in subsection (a) to carry out a construction project for facilities includes authority to carry out planning and design and the acquisition of land for the construction or improvement of such facilities.

(c) LIMITATION ON AMOUNT OF FUNDS.—The amount of funds that may be utilized under the authority in subsection (a) may not exceed $51,000,000.

(d) DURATION OF AUTHORITY.—A construction project, or portion of a construction

project, may not be commenced under the authority in subsection (a) after September 30, 2006.

(e) NOTICE AND WAIT.—The Secretary may not carry out a construction project, or portion of a construction project, under the authority in subsection (a) until the end of the 21-day period beginning on the date on which the Secretary notifies the congressional defense committees of the intent to carry out such project.

**Subtitle C—Missile Defense Programs**

**SEC. 221. ONE-YEAR EXTENSION OF COMPTROLLER GENERAL ASSESSMENTS OF BALLISTIC MISSILE DEFENSE PROGRAMS.**

(a) EXTENSION.—Section 232(g) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) in paragraph (1), by striking ''through 2006'' and inserting ''through 2007''; and

(2) in paragraph (2), by striking ''through 2007'' and inserting ''through 2008''.

(b) MODIFICATION OF SUBMITTAL DATE.—Paragraph (2) of such section is further amended by striking ''February 15'' and inserting ''March 15''.

**SEC. 222. FIELDING OF BALLISTIC MISSILE DEFENSE CAPABILITIES.**

(a) AUTHORITY TO USE FUNDS.—Funds referred to in subsection (b) may, upon approval by the Secretary of Defense, be used for the development and fielding of ballistic missile defense capabilities.

(b) COVERED FUNDS.—Funds referred to in this subsection are funds authorized to be appropriated for fiscal year 2006 or 2007 for research, development, test, and evaluation for the Missile Defense Agency.

**SEC. 223. PLANS FOR TEST AND EVALUATION OF OPERATIONAL CAPABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.**

(a) PLANS REQUIRED.—

(1) IN GENERAL.—With respect to block 06, and each subsequent block, of the Ballistic Missile Defense System, the appropriate joint and service operational test and evaluation components of the Department of Defense concerned with such block shall, in coordination with the Missile Defense Agency and subject to the review and approval of the Director of Operational Test and Evaluation, prepare a plan to test, evaluate, and characterize the operational capability of such block.

(2) NATURE OF PLANS.—Each plan prepared under this subsection shall be appropriate for the level of technological maturity of the block to be tested.

(b) REPORTS ON TEST AND EVALUATION OF BLOCKS.—At the conclusion of the test and evaluation of block 06, and of each subsequent block, of the Ballistic Missile Defense System, the Director of Operational Test and Evaluation shall submit to the Secretary of Defense, and to the congressional defense committees, a report providing—

(1) the assessment of the Director as to whether or not such test and evaluation was adequate to evaluate the operational capability of such block; and

(2) the characterization of the Director as to the operational effectiveness, suitability, and survivability of such block, as appropriate for the level of technological maturity of the block to be tested.

**Subtitle D—High-Performance Defense Manufacturing Technology Research and Development**

**SEC. 231. RESEARCH AND DEVELOPMENT.**

(a) IDENTIFICATION OF ENHANCED PROCESSES AND TECHNOLOGIES.—The Under Secretary of the Defense for Acquisition, Technology, and Logistics shall identify advanced manufacturing processes and technologies whose utilization will achieve significant productivity and efficiency gains in the defense manufacturing base.

(b) RESEARCH AND DEVELOPMENT.—The Under Secretary shall undertake research and development on processes and technologies identified under subsection (a) that addresses, in particular—

(1) innovative manufacturing processes and advanced technologies; and

(2) the creation of extended production enterprises using information technology and new business models.

(c) DEFENSE PRIORITIES.—In undertaking research and development under subsection (b), the Under Secretary shall consider defense priorities established in the most current Joint Warfighting Science and Technology Plan.

**SEC. 232. TRANSITION OF TRANSFORMATIONAL MANUFACTURING PROCESSES AND TECHNOLOGIES TO THE DEFENSE MANUFACTURING BASE.**

(a) ACCELERATION OF TRANSITION FROM SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall undertake appropriate actions to accelerate the transition of transformational manufacturing technologies and processes (including processes and technologies identified under section 231) from the research stage to utilization by manufacturers in the defense manufacturing base.

(2) EXECUTION.—The actions undertaken under paragraph (1) shall include a memorandum of understanding among the Director of Defense Research and Engineering, other appropriate elements of the Department of Defense, and the Joint Defense Manufacturing Technology Panel to accelerate the transition of technologies and processes as described in that paragraph.

(b) PROTOTYPES AND TESTBEDS.—

(1) IN GENERAL.—The Under Secretary shall, utilizing the Manufacturing Technology Program, undertake the development of prototypes and testbeds to promote the purposes of this section.

(2) COORDINATION OF ACTIVITIES.—The Under Secretary shall coordinate activities under this subsection with activities under the Small Business Innovation Research Program and the Small Business Technology Transfer Program.

(c) DEVELOPMENT OF IMPROVEMENT PROCESS.—The Under Secretary shall, in consultation with persons and organizations in the defense manufacturing base, develop and implement a program to continuously identify and utilize improvements and innovative processes in appropriate defense acquisition programs and by manufacturers in the defense manufacturing base.

(d) DIFFUSION OF ENHANCEMENTS INTO DEFENSE MANUFACTURING BASE.—The Under Secretary shall ensure the utilization in industry of enhancements in productivity and efficiency identified by reason of activities under this subtitle through the following:

(1) Research and development activities under the Manufacturing Technology Program, including the establishment of public-private partnerships.

(2) Outreach through the Manufacturing Extension Partnership Program under memoranda of agreement, cooperative programs, and other appropriate arrangements.

(3) Coordination with activities under such other current programs for the dissemination of manufacturing technology as the Under Secretary considers appropriate.

(4) Identification of incentives for contractors in the defense manufacturing base to incorporate and utilize manufacturing enhancements in the manufacturing activities.

**SEC. 233. MANUFACTURING TECHNOLOGY STRATEGIES.**

(a) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may—

(1) identify an area of technology where the development of an industry-prepared roadmap for new manufacturing and technology processes applicable to defense manufacturing requirements would be beneficial to the Department of Defense; and

(2) establish a task force, and act in cooperation, with the private sector to map the strategy for the development of manufacturing processes and technologies needed to support technology development in the area identified under paragraph (1).

(b) COMMENCEMENT OF ROADMAPPING.—The Under Secretary shall commence any roadmapping identified pursuant to subsection (a)(1) not later than January 2007.

**SEC. 234. REPORT.**

(a) IN GENERAL.—Not later than December 31, 2007, the Under Secretary of the Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the actions undertaken by the Under Secretary under this subtitle during fiscal year 2006.

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

(1) a comprehensive description of the actions undertaken under this subtitle during fiscal year 2006;

(2) an assessment of effectiveness of such actions in enhancing research and development on manufacturing technologies and processes, and implementation of such within the defense manufacturing base; and

(3) such recommendations as the Under Secretary considers appropriate for additional actions to be undertaken in order to increase the effectiveness of the actions undertaken under this subtitle in enhancing manufacturing activities within the defense manufacturing base.

**SEC. 235. DEFINITIONS.**

In this subtitle:

(1) DEFENSE MANUFACTURING BASE.—The term ''defense manufacturing base'' includes any supplier of the Department of Defense, including a supplier of raw materials.

(2) EXTENDED PRODUCTION ENTERPRISE.—The term ''extended production enterprise'' means a system in which key entities, including entities engaged in product development, manufacturing, sourcing, and user entities, in the manufacturing chain are linked together through information technology and other means to promote efficiency and productivity.

(3) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—The term ''Manufacturing Extension Partnership Program'' means the Manufacturing Extension Partnership Program of the Department of Commerce.

(4) MANUFACTURING TECHNOLOGY PROGRAM.—The term ''Manufacturing Technology Program'' means the Manufacturing Technology Program under the Director of Defense Research and Engineering under section 2521 of title 10, United States Code.

(5) SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—The term ''Small Business Innovation Research Program'' has the meaning given that term in section 2055(11) of title 10, United States Code.

(6) SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.—The term ''Small Business Technology Transfer Program'' has the meaning given that term in section 2500(12) of title 10, United States Code.

**Subtitle E—Other Matters**

**SEC. 241. EXPANSION OF ELIGIBILITY FOR LEADERSHIP OF DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.**

(a) DIRECTOR OF CENTER.—Paragraph (1) of section 196(b) of title 10, United States Code, is amended by striking ''commissioned officers'' and all that follows through the end of the sentence and inserting ''individuals who have substantial experience in the field of test and evaluation.''.

(b) DEPUTY DIRECTOR OF CENTER.—Paragraph (2) of such section is amended by striking ''senior civilian officers and employees of the Department of Defense'' and inserting ''individuals''.

**SEC. 242. TECHNOLOGY TRANSITION.**

(a) CLARIFICATION OF DUTIES OF TECHNOLOGY TRANSITION COUNCIL.—Paragraph (2) of section 2359a(g) of title 10, United States Code, is amended to read as follows:

''(2) The duty of the Council shall be to support the Undersecretary of Defense for Acquisition, Technology, and Logistics in the development of policies to facilitate the rapid transition of technologies from science and technology programs of the Department of Defense into acquisition programs of the Department.''.

(b) REPORT ON TECHNOLOGY TRANSITION.—

(1) IN GENERAL.—The Secretary of Defense, working through the Technology Transition Council, shall submit to the congressional defense committees a report on the challenges associated with technology transition from the science and technology programs of the Department of Defense to the acquisition programs of the Department, and a strategy to address such challenges, including—

(A) a description of any organizational barriers to technology transition between operations, acquisition, and technology development components of the Department;

(B) an assessment of the effect of Department acquisition regulations on technology transition;

(C) a description of the role of technology transition in the planning, programming, and budgeting processes of the Department;

(D) a description of any other challenges associated with technology transition in the Department that are identified by the Secretary;

(E) a Department-wide strategy for pursuing technology transition; and

(F) such recommendations as the Secretary considers appropriate for the improvement of technology transition and for the elimination of internal barriers within the Department to technology transition.

(2) SUBMITTAL DATE.—The report under paragraph (1) shall be submitted at the same time the budget of the President is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2007.

**SEC. 243. PREVENTION, MITIGATION, AND TREATMENT OF BLAST INJURIES.**

(a) DESIGNATION OF EXECUTIVE AGENT.—The Secretary of Defense shall designate a senior official of the Department of Defense as the executive agent responsible for coordinating and managing the programs and efforts of the Department of Defense with respect to the prevention, mitigation, and treatment of blast injuries.

(b) GENERAL RESPONSIBILITY.—The executive agent designated under subsection (a) shall be responsible for ensuring that—

(1) the programs and efforts of the Department of Defense on the prevention, mitigation, and treatment of blast injuries are adequate to meet requirements relating to the prevention, mitigation, and treatment of such injuries; and

(2) the resources devoted to such programs and efforts facilitate the achievement of the objective specified in paragraph (1).

(c) RESEARCH EFFORTS.—The executive agent designated under subsection (a) shall—

(1) review and assess the adequacy of current research efforts of the Department of Defense on the prevention, mitigation, and treatment of such injuries;

(2) establish requirements for such research efforts in order to enhance and accelerate such research efforts; and

(3) establish, coordinate, and oversee Department-wide research efforts on the prevention, mitigation, and treatment of such injuries, including—

(A) in the case of blast injury prevention, research on—

(i) blast characterization in a variety of environments;

(ii) modeling and simulation of safe blast stand-off distances;

(iii) detect and defeat capabilities; and

(iv) such other matters as such official considers appropriate;

(B) in the case of blast injury mitigation, research on—

(i) armor design and materials testing for blast and ballistic protection;

(ii) the design of a comprehensive, integrated, flexible armor system which provides blast, ballistic, and fire protection for the head, neck, ears, eyes, torso, and extremities; and

(iii) such other matters as such official considers appropriate; and

(C) in the case of blast injury treatment, research on emerging military medical technologies, pharmacological agents, devices, and treatment and rehabilitation techniques.

(d) STUDIES.—The executive agent designated under subsection (a) shall conduct studies on the prevention, mitigation, and treatment of blast injuries, including—

(1) studies to improve the clinical evaluation and treatment of blast injuries, with an emphasis on traumatic brain injuries and other consequences of blast injury, including acoustic and eye injuries and injuries resulting from over-pressure wave; and

(2) studies to develop improved clinical protocols by which physicians—

(A) can more accurately evaluate traumatic brain injuries and discriminate between traumatic brain injuries and post traumatic stress disorder (including improved diagnostic and cognitive measures);

(B) can identify members of the Armed Forces who may have both traumatic brain injury and post traumatic stress disorder; and

(C) can develop integrated treatment approaches for servicemembers who have both traumatic brain injuries and post traumatic stress disorder and other multiple injuries.

(e) PILOT PROJECTS.—The executive agent designated under subsection (a) shall commence in fiscal year 2006 not less than three pilot projects on the prevention, mitigation, and treatment of blast injuries, including pilot projects—

(1) to study the incidence in returning soldiers of traumatic brain injuries attributable to blast injuries;

(2) to develop protocols for medical tracking of members of the Armed Forces for up to five years following blast injuries; and

(3) to refine and improve educational interventions for blast injury survivors and their families.

(f) TRAINING PROGRAM.—The executive agent designated under subsection (a) shall establish a training program for medical and non-medical personnel on the prevention, mitigation, and treatment of blast injuries which program shall be intended to improve field and clinical training on early identification of blast injury consequences, both seen and unseen, including traumatic brain injuries, acoustic injuries, and internal injuries.

(g) TREATMENT PROGRAM.—The executive agent designated under subsection (a) shall conduct a treatment program intended to enhance the evaluation and care of members of the Armed Forces with traumatic brain injuries in medical facilities in the United States and in deployed medical facilities.

(h) ANNUAL REPORTS ON BLAST INJURY MATTERS.—

(1) REPORTS REQUIRED.—Not later than February 15, 2006, and annually thereafter through 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the efforts of the Department of Defense to prevent, mitigate, and treat blast injuries.

(2) ELEMENTS.—Each report under paragraph (1) shall include the following:

(A) A description of the activities undertaken under this section during the year preceding the report to improve the prevention, mitigation, and treatment of blast injuries.

(B) A consolidated budget presentation for the programs and activities of the Department of Defense during the fiscal year beginning in the year of the report for the prevention, mitigation, and treatment of blast injuries.

(C) A description of any gaps in the capabilities of the Department under its programs and activities for the prevention, mitigation, and treatment of blast injuries, and a description of any plans or projects to address such gaps.

(D) A description of collaboration, if any, with other departments and agencies of the Federal Government, and with other countries, during the year preceding the report in efforts for the prevention, mitigation, and treatment of blast injuries.

(E) A description of any efforts during the year preceding the report to disseminate findings on the mitigation and treatment of blast injuries through civilian and military research and medical communities.

(F) A description of the status of efforts during the year preceding the report to design a comprehensive force protection system that is effective in confronting blast, ballistic, and fire threats.

(i) BLAST INJURIES DEFINED.—In this section, the term ''blast injuries'' means injuries that occur as the result of the detonation of high explosives, including vehicle-borne and person-borne explosive devices, rocket-propelled grenades, and improvised explosive devices.

**SEC. 244. MODIFICATION OF REQUIREMENTS FOR REPORTS ON PROGRAM TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.**

Subsection (e) of section 2374a of title 10, United States Code, is amended to read as follows:

''(e) ANNUAL REPORT.—(1) Not later than March 1 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities undertaken by the Defense Advanced Research Projects Agency in the preceding year under the authority of this section.

''(2) The report for a year under this subsection shall include the following:

''(A) The results of consultations between the Director and officials of the military departments regarding the areas of research, technology development, or prototype development for which prizes would be awarded under the program under this section.

''(B) A description of the proposed goals of the competitions established under the program, including the areas of research, technology development, or prototype development to be promoted by such competitions and the relationship of such areas to the military missions of the Department.

''(C) The total amount of cash prizes awarded under the program, including a description of the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Defense Advanced Research Projects Agency for recording as obligations and expenditures.

''(D) The methods used for the solicitation and evaluation of submissions under the program, together with an assessment of the effectiveness of such methods.

''(E) A description of the resources, including personnel and funding, used in the execution of the program, together with a detailed description of the activities for which such resources were used.

''(F) A description of any plans to transition the technologies or prototypes developed as a result of the program into acquisition programs of the Department.

''(G) For each competition under the program, a statement of the reasons why the competition was a preferable means of promoting basic, advanced, or applied research, technology development, or prototype development projects to other means of promoting such projects, including contracts, grants, cooperative agreements, or other transactions.''.

## TITLE III—OPERATION AND MAINTENANCE

### Subtitle A—Authorization of Appropriations

**SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $24,951,460,000.

(2) For the Navy, $30,547,489,000.

(3) For the Marine Corps, $3,842,026,000.

(4) For the Air Force, $31,425,919,000.

(5) For Defense-wide activities, $18,584,469,000.

(6) For the Army Reserve, $1,989,382,000.

(7) For the Naval Reserve, $1,245,695,000.

(8) For the Marine Corps Reserve, $199,934,000.

(9) For the Air Force Reserve, $2,559,686,000.

(10) For the Army National Guard, $4,528,019,000.

(11) For the Air National Guard, $4,772,991,000.

(12) For the United States Court of Appeals for the Armed Forces, $11,236,000.

(13) For Environmental Restoration, Army, $407,865,000.

(14) For Environmental Restoration, Navy, $305,275,000.

(15) For Environmental Restoration, Air Force, $406,461,000.

(16) For Environmental Restoration, Defense-wide, $28,167,000.

(17) For Environmental Restoration, Formerly Used Defense Sites, $261,921,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $61,546,000.

(19) For Cooperative Threat Reduction programs, $415,549,000.

(20) For the Overseas Contingency Operations Transfer Fund, $20,000,000.

**SEC. 302. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $1,471,340,000.

(2) For the National Defense Sealift Fund, $1,011,304,000.

**SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Defense Health Program, $19,900,812,000, of which—

(1) $19,351,337,000 is for Operation and Maintenance;

(2) $174,156,000 is for Research, Development, Test, and Evaluation; and

(3) $375,319,000 is for Procurement.

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.—(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, $1,425,827,000, of which—

(A) $1,241,514,000 is for Operation and Maintenance;

(B) $67,786,000 is for Research, Development, Test, and Evaluation; and

(C) $116,527,000 is for Procurement.

(2) Amounts authorized to be appropriated under paragraph (1) are authorized for—

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

(c) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, $895,741,000.

(d) DEFENSE INSPECTOR GENERAL.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, $209,687,000, of which—

(1) $208,687,000 is for Operation and Maintenance; and

(2) $1,000,000 is for Procurement.

### Subtitle B—Environmental Provisions

**SEC. 311. ELIMINATION AND SIMPLIFICATION OF CERTAIN ITEMS REQUIRED IN THE ANNUAL REPORT ON ENVIRONMENTAL QUALITY PROGRAMS AND OTHER ENVIRONMENTAL ACTIVITIES.**

Section 2706(b)(2) of title 10, United States Code, is amended—

(1) by striking subparagraphs (D) and (E);

(2) by inserting after subparagraph (C) the following new subparagraph:

''(D) A summary of fines and penalties imposed or assessed against the Department of Defense and the military departments under Federal, State, or local environmental laws during the fiscal year in which the report is submitted and the four preceding fiscal years, which summary shall include—

''(i) a trend analysis of such fines and penalties for military installations inside and outside the United States; and

''(ii) a list of such fines or penalties that exceeded $500,000 and the provisions of law under which such fines or penalties were imposed or assessed.'';

(3) by redesignating subparagraph (F) as subparagraph (E); and

(4) in subparagraph (E), as redesignated by paragraph (3), by striking ''and amounts for conferences'' and all that follows through ''such activities''.

**SEC. 312. PAYMENT OF CERTAIN PRIVATE CLEANUP COSTS IN CONNECTION WITH THE DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.**

(a) PAYMENT FOR ACTIVITIES AT FORMER DEFENSE PROPERTY THAT IS SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL ACTION.—Subsection (d) of section 2701 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)'';

(B) by inserting ''any owner of covenant property,'' after ''tribe,'' the first place it appears; and

(C) by inserting ''owner of covenant property,'' after ''tribe,'' the second place it appears;

(2) by redesignating paragraph (4) as paragraph (5);

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

''(4) PERFORMANCE OF SERVICES ON COVENANT PROPERTY.—An owner of covenant property may not be paid on a reimbursable or other basis for services performed under an agreement under paragraph (1) unless such services are performed on such covenant property.''; and

(4) in paragraph (5), as redesignated by paragraph (2), by adding at the end the following new subparagraph:

''(C) The term 'owner of covenant property' means an owner of property subject to a covenant provided by the United States in accordance with section 120(h)(3)(A)(ii)(II) of CERCLA (42 U.S.C. 9620(h)(3)(A)(ii)(II)).''.

(b) APPLICABLE CLEANUP STANDARDS.—Paragraph (3) of such subsection is further amended—

(1) by striking ''An agreement'' and inserting ''(A) An agreement''; and

(2) by inserting at the end the following new subparagraph:

''(B) An agreement under paragraph (1) may not change the cleanup standards applicable to the site as established by law.''.

(c) SOURCE OF FUNDS FOR FORMER BASE CLOSURE AND REALIGNMENT PROPERTY SUBJECT TO COVENANT FOR ADDITIONAL REMEDIAL ACTION.—Section 2703 of such title is amended—

(1) in subsection (g)(1), by striking ''The sole source'' and inserting ''Except as provided in subsection (h), the sole source''; and

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

''(h) SOLE SOURCE OF FUNDS FOR CERTAIN ENVIRONMENTAL REMEDIATION AT BASE REALIGNMENT AND CLOSURE SITES.—In the case of property disposed of pursuant to a base closure law and subject to a covenant described in subsection (d)(5)(C) of section 2701 of this title, the sole source of funds for services under subsection (d)(1) of such section shall be the base closure account established under the base closure law under which such property was disposed of.''.

### Subtitle C—Other Matters

**SEC. 321. AIRCRAFT CARRIERS.**

(a) FUNDING FOR REPAIR AND MAINTENANCE OF U.S.S. JOHN F. KENNEDY.—Of the amounts authorized to be appropriated for operation and maintenance for the Navy by this Act and any other Act for fiscal year 2005 and 2006, $288,000,000 shall be available only for repair and maintenance to extend the life of U.S.S. John F. Kennedy.

(b) LIMITATION ON REDUCTION IN NUMBER OF ACTIVE AIRCRAFT CARRIERS.—

(1) LIMITATION.—The Secretary of the Navy may not reduce the number of active aircraft carriers of the Navy below 12 active aircraft carriers until the later of the following:

(A) The date that is 180 days after the date of the submittal to Congress of the quadrennial defense review required in 2005 under section 118 of title 10, United States Code.

(B) The date on which the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, certifies to the congressional defense committees that such

agreements have been entered into to provide port facilities for the permanent forward deployment of such number of aircraft carriers as is necessary in the Pacific Command Area of Responsibility to fulfill the roles and missions of that Command, including agreements for the forward deployment of a nuclear aircraft carrier after the retirement of the current two conventional aircraft carriers.

(2) ACTIVE AIRCRAFT CARRIERS.—For purposes of this subsection, an active aircraft carrier of the Navy includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance.

**SEC. 322. LIMITATION ON TRANSITION OF FUNDING FOR EAST COAST SHIPYARDS FROM FUNDING THROUGH NAVY WORKING CAPITAL FUND TO DIRECT FUNDING.**

(a) LIMITATION.—The Secretary of the Navy may not convert funding for the shipyards of the Navy on the Eastern Coast of the United States from funding through the working capital fund of the Navy to funding on a direct basis (also known as ''mission funding'') until the later of—

(1) the date that is six months after the date on which the Secretary submits to the congressional defense committees the report required by subsection (b); or

(2) October 1, 2006.

(b) REPORT ON DIRECT FUNDING FOR PUGET SOUND NAVAL SHIPYARD.—The Secretary shall submit to the congressional defense committees a report that contains the assessment of the Secretary on the effects on Puget Sound Naval Shipyard, Washington, of the conversion of funding for Puget Sound Naval Shipyard from funding through the working capital fund of the Navy to funding on a direct basis.

**SEC. 323. USE OF FUNDS FROM NATIONAL DEFENSE SEALIFT FUND TO EXERCISE PURCHASE OPTIONS ON MARITIME PREPOSITIONING SHIP VESSELS.**

(a) USE OF FUNDS.—Notwithstanding the provisions of section 2218(f)(1) of title 10, United States Code, the Secretary of Defense may obligate and expend any funds in the National Defense Sealift Fund to exercise options to purchase three Maritime Prepositioning Ship (MPS) vessels under charter to the Navy as of the date of the enactment of this Act, the contracts for which charters expire in 2009.

(b) NATIONAL DEFENSE SEALIFT FUND DEFINED.—In this section, the term ''National Defense Sealift Fund'' means the National Defense Sealift Fund established by section 2218 of title 10, United States Code.

**SEC. 324. PURCHASE AND DESTRUCTION OF WEAPONS OVERSEAS.**

(a) AUTHORITY TO USE FUNDS.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2249d. Use of appropriated funds for purchase and destruction of weapons overseas**

''(a) PURCHASE OF WEAPONS.—Amounts appropriated or otherwise available to the Department of Defense for operation and maintenance may be used to purchase weapons overseas from any person, foreign government, international organization, or other entity for the purpose of protecting United States forces engaged in military operations overseas.

''(b) DESTRUCTION OF WEAPONS.—Weapons purchased under the authority in subsection (a) may be destroyed.

''(c) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify the congressional defense committees of any use of the authority in subsection (a) to purchase weapons.''.

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

''2249d. Use of appropriated funds for purchase and destruction of weapons overseas.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall apply with respect to funds appropriated or otherwise made available for fiscal years after fiscal year 2005.

**SEC. 325. INCREASE IN MAXIMUM CONTRACT AMOUNT FOR PROCUREMENT OF SUPPLIES AND SERVICES FROM EXCHANGE STORES OUTSIDE THE UNITED STATES.**

Section 2424(b)(1) of title 10, United States Code, is amended by striking ''$50,000'' and inserting ''$100,000''.

**SEC. 326. EXTENSION OF AUTHORITY TO PROVIDE LOGISTICS SUPPORT AND SERVICES FOR WEAPON SYSTEMS CONTRACTORS.**

Section 365(g)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2520; 10 U.S.C. 2302 note) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2010''.

**SEC. 327. ARMY TRAINING STRATEGY.**

(a) TRAINING STRATEGY.—

(1) STRATEGY REQUIRED.—The Secretary of the Army shall develop and implement a training strategy to ensure the readiness of brigade-based combat teams and functional supporting brigades.

(2) ELEMENTS.—The training strategy shall include the following:

(A) A statement of the purpose of training for brigade-based combat teams and supporting brigades.

(B) Performance goals for both active and reserve brigade-based combat teams and supporting brigades, including goals for live, virtual, and constructive training for each component and brigade type.

(C) Metrics to quantify performance against the performance goals specified under subparagraph (B).

(D) A process to report the accomplishment of collective training by which Army leadership can monitor the training performance of brigade-based combat teams and functional supporting brigades.

(E) A model to quantify, and to forecast, operation and maintenance funding required to attain training goals.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the requirements to be fulfilled in order to implement the training strategy developed under subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) A discussion of the training strategy developed under subsection (a), including a description of performance goals and metrics developed under that subsection.

(B) A discussion and description of the training range requirements necessary to implement the training strategy.

(C) A discussion and description of the training aids, devices, simulations and simulators necessary to implement the training strategy.

(D) A list of the funding requirements, itemized by fiscal year and specified in a format consistent with the future-years defense program to accompany the budget of the President for fiscal year 2007 under section 221 of title 10, United States Code, necessary to fulfill the range requirements described in subparagraph (B) and to provide the training aids, devices, simulations, and simulators described in subparagraphs (C).

(E) A schedule for the implementation of the training strategy.

(F) A discussion of the challenges that the Army anticipates in the implementation of the training strategy.

(c) COMPTROLLER GENERAL REVIEW OF IMPLEMENTATION.—

(1) IN GENERAL.—The Comptroller General of the United States shall monitor the implementation of the training strategy developed under subsection (a).

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the assessment of the Comptroller General of the current progress of the Army in implementing the training strategy.

**SEC. 328. LIMITATION ON FINANCIAL MANAGEMENT IMPROVEMENT AND AUDIT INITIATIVES WITHIN THE DEPARTMENT OF DEFENSE.**

Amounts authorized to be appropriated to the Department of Defense for fiscal year 2006 may not be obligated or expended for the purposes of financial management improvement activities relating to the preparation, processing, or auditing of financial statements until the Secretary of Defense prepares and submits to the congressional defense committees the following:

(1) A comprehensive and integrated financial management improvement plan that—

(A) describes specific actions to be taken to correct financial management deficiencies that impair the ability of the Department of Defense to prepare timely, reliable, and complete financial management information; and

(B) systematically ties such actions to process and control improvements and business systems modernization efforts described in the business enterprise architecture and transition plan required by section 2222 of title 10, United States Code.

(2) A written determination that each of the financial management improvement activities to be undertaken are—

(A) consistent with the financial management improvement plan submitted pursuant to paragraph (1); and

(B) likely to improve internal controls or otherwise result in sustained improvements in the ability of the Department to produce timely, reliable, and complete financial management information.

**SEC. 329. STUDY ON USE OF ETHANOL FUEL.**

(a) IN GENERAL.—The Secretary of Defense shall conduct a study on the use of ethanol fuel by the Armed Forces and the Defense Agencies.

(b) ELEMENTS.—The study shall include—

(1) an evaluation of the historical utilization of ethanol fuel by the Armed Forces and the Defense Agencies, including the quantity of ethanol fuel acquired by the Department of Defense for the Armed Forces and the Defense Agencies during the 5-year period ending on the date of the report under subsection (c);

(2) a forecast of the requirements of the Armed Forces and the Defense Agencies for ethanol fuel for each of fiscal years 2007 through 2012;

(3) an assessment of the current and future commercial availability of ethanol fuel, including facilities for the production, storage, transportation, distribution, and commercial sale of such fuel;

(4) an assessment of the utilization by the Department of the commercial infrastructure for ethanol fuel as described in paragraph (3);

(5) a review of the actions of the Department to coordinate with State, local, and private entities to support the expansion and

use of alternative fuel refueling stations that are accessible to the public; and

(6) an assessment of the fueling infrastructure on military installations in the United States, including storage and distribution facilities, that could be adapted or converted to the delivery of ethanol fuel, including—

(A) an assessment of cost of the adaptation or conversion of such infrastructure to the delivery of ethanol fuel; and

(B) an assessment of the feasibility and advisability of that adaptation or conversion.

(c) REPORT.—Not later than February 1, 2006, the Secretary shall submit to the congressional defense committees a report on the study conducted under subsection (a).

(d) ETHANOL FUEL DEFINED.—In this section, the term ''ethanol fuel'' means fuel that is 85 percent ethyl alcohol.

## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

### Subtitle A—Active Forces

**SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2006, as follows:

(1) The Army, 522,400.

(2) The Navy, 352,700.

(3) The Marine Corps, 178,000.

(4) The Air Force, 357,400.

**SEC. 402. REVISION OF PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.**

(a) REVISION.—Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) For the Army, 522,400.

''(2) For the Navy, 352,700.

''(3) For the Marine Corps, 178,000.

''(4) For the Air Force, 357,400.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to fiscal years beginning on or after that date.

### Subtitle B—Reserve Forces

**SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2006, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 73,100.

(4) The Marine Corps Reserve, 39,600.

(5) The Air National Guard of the United States, 106,800.

(6) The Air Force Reserve, 74,000.

(7) The Coast Guard Reserve, 10,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

**SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2006, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 27,396.

(2) The Army Reserve, 15,270.

(3) The Naval Reserve, 13,392.

(4) The Marine Corps Reserve, 2,261.

(5) The Air National Guard of the United States, 13,123.

(6) The Air Force Reserve, 2,290.

**SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

The minimum number of military technicians (dual status) as of the last day of fiscal year 2006 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 7,649.

(2) For the Army National Guard of the United States, 25,563.

(3) For the Air Force Reserve, 9,852

(4) For the Air National Guard of the United States, 22,971.

**SEC. 414. FISCAL YEAR 2006 LIMITATIONS ON NON-DUAL STATUS TECHNICIANS.**

(a) LIMITATIONS.—(1) Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2006, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) The number of non-dual status technicians employed by the Army Reserve as of September 30, 2006, may not exceed 695.

(3) The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2006, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term ''non-dual status technician'' has the meaning given the term in section 10217(a) of title 10, United States Code.

### Subtitle C—Authorizations of Appropriations

**SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.**

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2006 a total of $109,179,601,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2006.

**SEC. 422. ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2006 from the Armed Forces Retirement Home Trust Fund the sum of $58,281,000 for the operation of the Armed Forces Retirement Home.

## TITLE V—MILITARY PERSONNEL POLICY

### Subtitle A—Officer Personnel Policy

**SEC. 501. EXCLUSION OF GENERAL AND FLAG OFFICERS ON LEAVE PENDING SEPARATION OR RETIREMENT FROM COMPUTATION OF ACTIVE DUTY OFFICERS FOR GENERAL AND FLAG OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS.**

(a) DISTRIBUTION LIMITATIONS.—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) In determining the total number of general officers or flag officers of an armed force on active duty for purposes of this section, an officer of that armed force in the grade of brigadier general or above, or an officer in the grade of rear admiral (lower half) or above in the Navy, who is on leave pending the separation, retirement, or release of such officer from active duty shall not be counted, but only during the 60-day period beginning on the date of the commencement of leave of such officer.''.

(b) ACTIVE DUTY STRENGTH LIMITATIONS.—

(1) IN GENERAL.—Section 526 of such title is amended by adding at the end the following new subsection:

''(e) EXCLUSION OF CERTAIN OFFICERS ON LEAVE PENDING SEPARATION OR RETIREMENT.—The limitations of this section do not apply to general or flag officers on leave pending separation, retirement, or release from active duty as described in section 525(e) of this title.''.

(2) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by striking ''CERTAIN OFFICERS'' and inserting ''CERTAIN RESERVE OFFICERS ON ACTIVE DUTY''.

**SEC. 502. EXPANSION OF JOINT DUTY ASSIGNMENTS FOR RESERVE COMPONENT GENERAL AND FLAG OFFICERS.**

(a) INCREASE IN AUTHORIZED NUMBER.—Section 526(b)(2)(A) of title 10, United States Code, is amended by striking ''10'' and inserting ''11''.

(b) ASSIGNMENT TO JOINT STAFF.—Such section is further amended by inserting '', and on the Joint Staff,'' after ''commands''.

**SEC. 503. DEADLINE FOR RECEIPT BY PROMOTION SELECTION BOARDS OF CORRESPONDENCE FROM ELIGIBLE OFFICERS.**

(a) OFFICERS ON ACTIVE DUTY LIST.—Section 614(b) of title 10, United States Code, is amended by inserting ''the date before'' after ''not later than''.

(b) OFFICERS ON RESERVE ACTIVE-STATUS LIST.—Section 14106 of such title is amended by inserting ''the date before'' after ''not later than''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2006, and shall apply with respect to selection boards convened on or after that date.

**SEC. 504. FURNISHING TO PROMOTION SELECTION BOARDS OF ADVERSE INFORMATION ON OFFICERS ELIGIBLE FOR PROMOTION TO CERTAIN SENIOR GRADES.**

(a) OFFICERS ON ACTIVE-DUTY LIST.—

(1) IN GENERAL.—Section 615(a) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

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

''(3) In the case of an eligible officer considered for promotion to the grade of lieutenant colonel, or commander in the case of the Navy, or above, any information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).''.

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

(A) in paragraph (4), as redesignated by paragraph (1)(A) of this subsection, by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)'';

(B) in paragraph (5), as so redesignated, by striking ''and (3)'' and inserting '', (3), and (4)'';

(C) in paragraph (6), as so redesignated—

(i) in the matter preceding subparagraph (A), by inserting ", or in paragraph (3)," after "paragraph (2)"; and

(ii) in subparagraph (B), by inserting "or (3), as applicable" after "paragraph (2)"; and

(D) in subparagraph (A) of paragraph (7), as so redesignated, by inserting "or (3)" after "paragraph (2)(B)".

(b) RESERVE OFFICERS.—

(1) IN GENERAL.—Section 14107(a) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively; and

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

"(3) In the case of an eligible officer considered for promotion to the grade of lieutenant colonel, or commander in the case of the Navy, or above, any information of an adverse nature, including any substantiated adverse finding or conclusion from an officially documented investigation or inquiry, shall be furnished to the selection board in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).".

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

(A) in paragraph (4), as redesignated by paragraph (1)(A) of this subsection, by striking "paragraph (2)" and inserting "paragraphs (2) and (3)";

(B) in paragraph (5), as so redesignated, by striking "and (3)" and inserting ", (3), and (4)";

(C) in paragraph (6), as so redesignated—

(i) in the matter preceding subparagraph (A), by inserting ", or in paragraph (3)," after "paragraph (2)"; and

(ii) in subparagraph (B), by inserting "or (3), as applicable" after "paragraph (2)"; and

(D) in subparagraph (A) of paragraph (7), as so redesignated, by inserting "or (3)" after "paragraph (2)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006, and shall apply with respect to promotion selection boards convened on or after that date.

**SEC. 505. GRADES OF THE JUDGE ADVOCATES GENERAL.**

(a) JUDGE ADVOCATE GENERAL OF THE ARMY.—Section 3037(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentences: "The Judge Advocate General, while so serving, has the grade of lieutenant general. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.".

(b) JUDGE ADVOCATE GENERAL OF THE NAVY.—Section 5148(b) of such title is amended by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.".

(c) JUDGE ADVOCATE GENERAL OF THE AIR FORCE.—Section 8037(a) of such title is amended by striking the last sentence and inserting the following new sentence: "The Judge Advocate General, while so serving, has the grade of lieutenant general.".

(d) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICER DISTRIBUTION.—Section 525(b) of such title is amended by adding at the end the following new paragraph:

"(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as the case may be.".

**SEC. 506. TEMPORARY EXTENSION OF AUTHORITY TO REDUCE MINIMUM LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.**

(a) ARMY.—Section 3911(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) in paragraph (1), as so designated, by striking ", during the period beginning on October 1, 1990, and ending on December 31, 2001,"; and

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

"(2) The authority in paragraph (1) may be exercised during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.".

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2) of such title is amended—

(1) by inserting "(A)" after "(2)";

(2) in subparagraph (A), as so designated, by striking ", during the period beginning on October 1, 1990, and ending on December 31, 2001,"; and

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

"(B) The authority in subparagraph (A) may be exercised during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.".

(c) AIR FORCE.—Section 8911(b) of such title is amended—

(1) by inserting "(1)" after "(b)";

(2) in paragraph (1), as so designated, by striking ", during the period beginning on October 1, 1990, and ending on December 31, 2001,"; and

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

"(2) The authority in paragraph (1) may be exercised during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on December 31, 2008.".

**SEC. 507. MODIFICATION OF STRENGTH IN GRADE LIMITATIONS APPLICABLE TO RESERVE FLAG OFFICERS IN ACTIVE STATUS.**

(a) LINE OFFICERS.—Paragraph (1) of section 12004(c) of title 10, United States Code, is amended in the item in the table relating to Line officers by striking "28" and inserting "33".

(b) MEDICAL DEPARTMENT STAFF CORPS OFFICERS.—Such paragraph is further amended in the item in the table relating to the Medical Department staff corps officers by striking "9" and inserting "5".

(c) SUPPLY CORPS OFFICERS.—Paragraph (2)(A) of such section is amended by striking "seven" and inserting "six".

(d) CONFORMING AMENDMENT.—Paragraph (1) of such section is further amended in the matter preceding the table by striking "39" and inserting "40".

**SEC. 508. UNIFORM AUTHORITY FOR DEFERMENT OF SEPARATION OF RESERVE GENERAL AND FLAG OFFICERS FOR AGE.**

(a) IN GENERAL.—Section 14512 of title 10, United States Code, is amended to read as follows:

**"§ 14512. Separation at age 64**

"(a) IN GENERAL.—The Secretary of the military department concerned may, subject to subsection (b), defer the retirement under section 14510 or 14511 of this title of a reserve officer of the Army, Air Force, or Marine Corps in a grade above colonel, or a reserve officer of the Navy in a grade above captain, and retain such officer in active status until such officer becomes 64 years of age.

"(b) LIMITATION ON NUMBER OF DEFERMENTS.—(1) Not more than 10 officers may be deferred by the Secretary of a military department under subsection (a) at any one time.

"(2) Deferments by the Secretary of the Navy may be distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1407 of such title is amended by striking the item relating to section 14512 and inserting the following new item:

"14512. Separation at age 64.".

**Subtitle B—Enlisted Personnel Policy**

**SEC. 521. UNIFORM CITIZENSHIP OR RESIDENCY REQUIREMENTS FOR ENLISTMENT IN THE ARMED FORCES.**

(a) UNIFORM REQUIREMENTS.—Section 504 of title 10, United States Code, is amended—

(1) by inserting "(a) INSANITY, DESERTION, FELONS, ETC.—" before "No person"; and

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

"(b) CITIZENSHIP OR RESIDENCY.—(1) No person may be enlisted in any armed force unless such person is a citizen or national of the United States, a habitual resident of the Federal States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands, or has been lawfully admitted to the United States for permanent residence under the applicable provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

"(2) The Secretary concerned may waive the applicability of paragraph (1) to a person if such Secretary determines that the enlistment of such person is vital to the national interest.".

(b) REPEAL OF SUPERSEDED LIMITATIONS FOR THE ARMY AND AIR FORCE.—Sections 3253 and 8253 of such title are repealed.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 333 of such title is amended by striking the item relating to section 3253.

(2) The table of sections at the beginning of chapter 833 of such title is amended by striking the item relating to section 8253.

**Subtitle C—Reserve Component Personnel Matters**

**SEC. 531. REQUIREMENTS FOR PHYSICAL EXAMINATIONS AND MEDICAL AND DENTAL READINESS FOR MEMBERS OF THE SELECTED RESERVE NOT ON ACTIVE DUTY.**

(a) IN GENERAL.—Subsection (a) of section 10206 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "examined" and all that follows through the semicolon and inserting "provided a comprehensive physical examination on an annual basis;"; and

(2) in paragraph (2), by striking "annually to the Secretary concerned" and all that follows and inserting "to the Secretary concerned on an annual basis documentation of the medical and dental readiness of the member to perform military duties.".

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking "**periodic**".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by striking "periodic".

**SEC. 532. REPEAL OF LIMITATION ON AMOUNT OF FINANCIAL ASSISTANCE UNDER RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIP PROGRAM.**

(a) IN GENERAL.—Section 2107(c) of title 10, United States Code, is amended—

(1) by striking paragraph (4);

(2) by redesignating paragraph (5) as paragraph (4); and

(3) in subparagraph (B) of paragraph (4), as so redesignated, by striking ", (3), or (4)" and inserting "or (3)".

(b) ARMY RESERVE AND ARMY NATIONAL GUARD MEMBERS.—Section 2107a(c) of such title is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(c) CONFORMING AMENDMENT.—Section 524(c) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1889) is amended by striking ''paragraph (5)'' and all that follows through ''subsection (b)'' and inserting ''paragraph (4) of section 2107(c) of title 10, United States Code (as added by subsection (a) of this section and redesignated by section 532(a)(2) of the National Defense Authorization Act for Fiscal Year 2006), and under paragraph (3) of section 2107a(c) of title 10, United States Code (as added by subsection (b) of this section and redesignated by section 532(b)(2) of such Act)''.

**SEC. 533. PROCEDURES FOR SUSPENDING FINANCIAL ASSISTANCE AND SUBSISTENCE ALLOWANCE FOR SENIOR ROTC CADETS AND MIDSHIPMEN ON THE BASIS OF HEALTH-RELATED CONDITIONS.**

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

''(j)(1) Payment of financial assistance under this section for, and payment of a monthly subsistence allowance under section 209 of title 37 to, a cadet or midshipman appointed under this section may be suspended on the basis of health-related incapacity of the cadet or midshipman only in accordance with regulations prescribed under paragraph (2).

''(2) The Secretary of Defense shall prescribe in regulations the policies and procedures for suspending payments under paragraph (1). The regulations shall apply uniformly to all of the military departments. The regulations shall include the following matters:

''(A) The standards of health-related fitness that are to be applied.

''(B) Requirements for—

''(i) the health-related condition and prognosis of a cadet or midshipman to be determined, in relation to the applicable standards prescribed under subparagraph (A), by a health care professional on the basis of a medical examination of the cadet or midshipman; and

''(ii) the Secretary concerned to take into consideration the determinations made under clause (i) with respect to such condition in deciding whether to suspend payment in the case of such cadet or midshipman on the basis of that condition.

''(C) A requirement for the Secretary concerned to transmit to a cadet or midshipman proposed for suspension under this subsection a notification of the proposed suspension together with the determinations made under subparagraph (B)(i) in the case of the proposed suspension.

''(D) A procedure for a cadet or midshipman proposed for suspension under this subsection to submit a written response to the proposal for suspension, including any supporting information.

''(E) Requirements for—

''(i) one or more health-care professionals to review, in the case of such a response of a cadet or midshipman, each health-related condition and prognosis addressed in the response, taking into consideration the matters submitted in such response; and

''(ii) the Secretary concerned to take into consideration the determinations made under clause (i) with respect to such condition in making a final decision regarding whether to suspend payment in the case of such cadet or midshipman on the basis of that condition, and the conditions under which such suspension may be lifted.''.

(b) TIME FOR PROMULGATION OF REGULATIONS.—The Secretary of Defense shall prescribe the regulations required under subsection (j) of section 2107 of title 10, United States Code (as added by subsection (a)), not later than May 1, 2006.

**SEC. 534. INCREASE IN MAXIMUM NUMBER OF ARMY RESERVE AND ARMY NATIONAL GUARD CADETS UNDER RESERVE OFFICERS' TRAINING CORPS.**

Section 2107a(h) of title 10, United States Code, is amended by striking ''208 cadets'' and inserting ''416 cadets''.

**SEC. 535. MODIFICATION OF EDUCATIONAL ASSISTANCE FOR RESERVES SUPPORTING CONTINGENCY AND OTHER OPERATIONS.**

(a) OFFICIAL RECEIVING ELECTIONS OF BENEFITS.—Section 16163(e) of title 10, United States Code, is amended by striking ''Secretary concerned'' and inserting ''Secretary of Veterans Affairs''.

(b) EXCEPTION TO IMMEDIATE TERMINATION OF ASSISTANCE.—Section 16165 of such title is amended—

(1) by striking ''Educational assistance'' and inserting ''(a) IN GENERAL.—Except as provided in subsection (b), educational assistance''; and

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

''(b) EXCEPTION.—Under regulations prescribed by the Secretary of Defense, educational assistance may be provided under this chapter to a member of the Selected Reserve of the Ready Reserve who incurs a break in service in the Selected Reserve of not more than 90 days if the member continues to serve in the Ready Reserve during and after such break in service.''.

**SEC. 536. REPEAL OF LIMITATION ON AUTHORITY TO REDESIGNATE THE NAVAL RESERVE AS THE NAVY RESERVE.**

Section 517(a) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1884; 10 U.S.C. 10101 note) is amended by striking '', which date'' and all that follows through the end and inserting a period.

**SEC. 537. PERFORMANCE BY RESERVE COMPONENT PERSONNEL OF OPERATIONAL TEST AND EVALUATION AND TRAINING RELATING TO NEW EQUIPMENT.**

(a) PILOT PROGRAM.—The Secretary of the Army shall carry out a pilot program to evaluate the feasibility and advisability of—

(1) utilizing members of the reserve components of the Army, rather than contractor personnel, to perform test, evaluation, new equipment training, and related activities for one or more acquisition programs selected by the Secretary for purposes of the pilot program; and

(2) utilizing funds otherwise available for multi-year purposes for such activities in appropriations for research, development, test, and evaluation, and for procurement, in order to reimburse appropriations for personnel for the costs of pay, allowances, and expenses of such members in the performance of such activities.

(b) NONWAIVER OF PERSONNEL AND TRAINING POLICIES AND PROCEDURES.—Nothing in this section may be construed to authorize any deviation from established personnel or training policies or procedures that are applicable to the reserve components of the personnel used under the pilot program.

(c) REIMBURSEMENT AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may transfer from appropriations for research, development, test, and evaluation, or for procurement, for an acquisition program under the pilot program under subsection (a) to appropriations for reserve component personnel of the Army amounts necessary to reimburse appropriations for reserve component personnel of the Army for pay, allowances, and expenses of reserve component personnel of the Army in performing activities under the pilot program.

(2) LIMITATION.—The amount that may be transferred under paragraph (1) in any fiscal year may not exceed $10,000,000.

(3) MERGER OF FUNDS.—Amounts transferred to an account under paragraph (1) shall be merged with other amounts in such account, and shall be available for the same period, and subject to the same limitations, as the amounts with which merged.

(4) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to transfer funds under paragraph (1) is in addition to any other authority to transfer funds under law.

(d) TERMINATION.—The authority to carry out the pilot program under subsection (a) shall expire on September 30, 2010.

(e) REPORT.—Not later than March 1, 2010, the Secretary of the Army shall, in consultation with the Secretary of Defense, submit to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

(1) a comprehensive description of the pilot program, including the acquisition programs covered by the pilot program and the activities performed by members of the reserve components of the Army under the pilot program;

(2) an assessment of the benefits, including cost savings and other benefits, of the performance of activities under the pilot program by members of the reserve components of the Army rather than by contractor personnel; and

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

## Subtitle D—Military Justice and Related Matters

**SEC. 551. MODIFICATION OF PERIODS OF PROSECUTION BY COURTS-MARTIAL FOR MURDER, RAPE, AND CHILD ABUSE.**

(a) UNLIMITED PERIOD FOR MURDER AND RAPE.—Subsection (a) of section 843 of title 10, United States Code (article 43 of the Uniform Code of Military Justice), is amended by striking ''or with any offense'' and inserting ''with murder or rape, or with any other offense''.

(b) EXTENDED PERIOD FOR CHILD ABUSE.—Subsection (b)(2) of such section (article) is amended—

(1) in subparagraph (A), by striking ''before the child attains the age of 25 years'' and all that follows through the period and inserting ''by an officer exercising summary court-martial jurisdiction with respect to that person during the life of the victim or the date that is five years after the date of the offense, whichever is the later date.'';

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''sexual or physical''; and

(B) in clause (v), by striking ''Indecent assault,'' and inserting ''Kidnapping, indecent assault,''; and

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

''(C) In subparagraph (A), the term 'child abuse offense' also includes an act that involves abuse of a person who has not attained the age of 18 years and would constitute an offense under chapter 110 or 117 or section 1591 of title 18.''.

**SEC. 552. ESTABLISHMENT OF OFFENSE OF STALKING.**

(a) ESTABLISHMENT OF OFFENSE.—Subchapter X of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by inserting after section 893 (article 93) the following new section (article):

**''§ 893a. Art. 93a. Stalking**

''(a) Any person subject to this chapter—

''(1) who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family;

''(2) who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to himself or herself or a member of his or her immediate family; and

''(3) whose acts induce reasonable fear in the specific person of death or bodily harm, including sexual assault, to himself or herself or to a member of his or her immediate family,

is guilty of stalking and shall be punished as a court-martial may direct.

''(b) For purposes of this section:

''(1) The term 'course of conduct' means—

''(A) a repeated maintenance of visual or physical proximity to a specific person; or

''(B) a repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or toward a specific person.

''(2) The term 'repeated', with respect to conduct, means two or more occasions of such conduct.

''(3) The term 'immediate family', in the case of a specific person, means a spouse, parent, child, or sibling of the person, or any other family member or relative of the person who regularly resides in the household of the person or who within the six months preceding the commencement of the course of conduct regularly resided in the household of the person.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter X of such chapter is amended by inserting after the item relating to section 893 (article 93) the following new item:

''893a. Art. 93a. Stalking.''.

**SEC. 553. CLARIFICATION OF AUTHORITY OF MILITARY LEGAL ASSISTANCE COUNSEL.**

Section 1044 of title 10, United States Code, is amended—

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

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

''(d)(1) Notwithstanding any law regarding the licensure of attorneys, a judge advocate or civilian attorney who is authorized to provide military legal assistance is authorized to provide that assistance in any jurisdiction, subject to such regulations as may be prescribed by the Secretary concerned.

''(2) In this subsection, the term 'military legal assistance' includes—

''(A) legal assistance provided under this section; and

''(B) legal assistance contemplated by sections 1044a, 1044b, 1044c, and 1044d of this title.''.

**SEC. 554. ADMINISTRATIVE CENSURES OF MEMBERS OF THE ARMED FORCES.**

(a) AUTHORITY TO ISSUE ADMINISTRATIVE CENSURES.—

(1) AUTHORITY OF SECRETARY OF DEFENSE.—The Secretary of Defense may issue, in writing, an administrative censure to any member of the Armed Forces.

(2) AUTHORITY OF SECRETARIES OF MILITARY DEPARTMENTS.—The Secretary of a military department may issue, in writing, an administrative censure to any member of the Armed Forces under the jurisdiction of such Secretary.

(3) REGULATIONS.—Administrative censures shall be issued under this section pursuant to regulations prescribed by the Secretary of Defense. The regulations shall apply uniformly throughout the military departments.

(b) ADMINISTRATIVE CENSURE.—For purposes of this section, an administrative censure is a statement of adverse opinion or criticism with respect to the conduct or performance of duty of a member of the Armed Forces.

(c) FINALITY.—An administrative censure issued under this section is final and may not be appealed by the member of the Armed Forces concerned.

(d) CONSTRUCTION.—The authority under this section to issue administrative censures with respect to the conduct or performance of duty of a member of the Armed Forces is in addition to the authority to impose nonjudicial punishment with respect to such conduct or performance of duty under section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

**SEC. 555. REPORTS BY OFFICERS AND SENIOR ENLISTED PERSONNEL OF MATTERS RELATING TO VIOLATIONS OR ALLEGED VIOLATIONS OF CRIMINAL LAW.**

(a) REQUIREMENT FOR REPORTS.—

(1) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a requirement that each covered member of the Armed Forces, whether on the active-duty list or on the reserve active-status list, shall submit to an authority in the military department concerned designated pursuant to such regulations a timely report on any investigation, arrest, charge, detention, adjudication, or conviction of such member by any law enforcement authority of the United States for a violation of a criminal law of the United States, whether or not such member is on active duty at the time of the conduct that provides the basis of such investigation, arrest, charge, detention, adjudication, or conviction. The regulations shall apply uniformly throughout the military departments.

(2) COVERED MEMBERS.—In this section, the term ''covered member of the Armed Forces'' means the following:

(A) An officer.

(B) An enlisted member in the grade of E–7 or above.

(b) LAW ENFORCEMENT AUTHORITY OF THE UNITED STATES.—For purposes of this section, a law enforcement authority of the United States includes—

(1) a military or other Federal law enforcement authority;

(2) a State or local law enforcement authority; and

(3) such other law enforcement authorities within the United States as the Secretary shall specify in the regulations prescribed pursuant to subsection (a).

(c) CRIMINAL LAW OF THE UNITED STATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), for purposes of this section, a criminal law of the United States includes—

(A) any military or other Federal criminal law;

(B) any State, county, municipal, or local criminal law or ordinance; and

(C) such other criminal laws and ordinances of jurisdictions within the United States as the Secretary shall specify in the regulations prescribed pursuant to subsection (a).

(2) EXCEPTION.—For purposes of this section, a criminal law of the United States shall not include a law or ordinance specifying a minor traffic offense (as determined by the Secretary for purposes of such regulations).

(d) ACTIONS SUBJECT TO REPORT.—

(1) IN GENERAL.—The regulations prescribed pursuant to subsection (a) shall specify each action of a law enforcement authority of the United States for which a report under that subsection shall be required.

(2) MULTIPLE REPORTS ON SINGLE CONDUCT.—If the conduct of a covered member of the Armed Forces would provide the basis for actions of a law enforcement authority of the United States warranting more than one report under this section, the regulations shall specify which of such actions such be subject to a report under this section.

(e) TIMELINESS OF REPORTS.—The regulations prescribed pursuant to subsection (a) shall establish requirements for the timeliness of reports under this section.

(f) FORWARDING OF INFORMATION.—The regulations prescribed pursuant to subsection (a) shall provide that, in the event a military department receives information that a covered member of the Armed Forces under the jurisdiction of another military department has become subject to an investigation, arrest, charge, detention, adjudication, or conviction for which a report is required by this section, the Secretary of the military department receiving such information shall, in accordance with such procedures as the Secretary of Defense shall establish in such regulations, forward such information to the authority in the military department having jurisdiction over such member designated pursuant to such regulations.

(g) DEADLINE FOR REGULATIONS.—The regulations required by subsection (a), including the requirement in subsection (f), shall go into effect not later than January 1, 2006.

**Subtitle E—Military Service Academies**

**SEC. 561. AUTHORITY TO RETAIN PERMANENT MILITARY PROFESSORS AT THE NAVAL ACADEMY AFTER MORE THAN 30 YEARS OF SERVICE.**

(a) AUTHORITY TO RETAIN.—

(1) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by inserting after section 6952 the following new section:

**''§ 6952a. Faculty: retention of permanent military professors**

''(a) RETIREMENT FOR YEARS OF SERVICE.—(1) Except as provided in subsection (b), an officer serving as a permanent military professor at the Naval Academy in the grade of commander who is not on a list of officers recommended for promotion to the grade of captain shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 28 years of active commissioned service.

''(2) Except as provided in subsection (b), an officer serving as a permanent military professor at the Naval Academy in the grade of captain who is not on a list of officers recommended for promotion to the grade of rear admiral (lower half) shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 30 years of active commissioned service.

''(b) CONTINUATION ON ACTIVE DUTY.—(1) An officer subject to retirement under subsection (a) may be continued on active duty by the Secretary of the Navy after the date otherwise provided for retirement under such subsection—

''(A) upon the recommendation of the Superintendent of the Naval Academy; and

''(B) with the concurrence of the Chief of Naval Operations.

''(2) The Secretary of the Navy shall determine the period of continuation on active duty of an officer under this subsection.

''(c) ELIGIBILITY FOR PROMOTION.—A permanent military professor at the Naval Academy who has been retained on active duty as a permanent military professor after more than 28 years of active commissioned service in the grade of commander under subsection (b) is eligible for consideration for promotion to the grade of captain.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6952 the following new item:

''6952a. Faculty: retention of permanent military professors.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 633 of such title is amended—

(A) by striking ''and an officer'' and inserting '', an officer''; and

(B) by inserting '', and an officer who is a permanent military professor at the Naval Academy to whom section 6952a of this title applies,'' after ''section 6383 of this title applies''.

(2) Section 634 of such title is amended by inserting ''and an officer who is a permanent military professor at the Naval Academy to whom section 6952a of this title applies,'' after ''section 6383(a)(4) of this title''.

**Subtitle F—Administrative Matters**

**SEC. 571. CLARIFICATION OF LEAVE ACCRUAL FOR MEMBERS ASSIGNED TO A DEPLOYABLE SHIP OR MOBILE UNIT OR OTHER DUTY.**

Subparagraph (B) of section 701(f)(1) of title 10, United States Code, is amended to read as follows:

''(B) This subsection applies to a member who—

''(i) serves on active duty for a continuous period of at least 120 days in an area in which the member is entitled to special pay under section 310(a) of title 37; or

''(ii) is assigned to a deployable ship or mobile unit or to other duty designated for the purpose of this section.''.

**SEC. 572. LIMITATION ON CONVERSION OF MILITARY MEDICAL AND DENTAL BILLETS TO CIVILIAN POSITIONS.**

(a) LIMITATION.—Commencing as of the date of the enactment of this Act, no military medical or dental billet may be converted to a civilian position until 90 days after the date on which the Secretary of Defense certifies to the congressional defense committees each of the following:

(1) That the conversion of military medical or dental billets to civilian positions, whether before the date of the enactment or as scheduled after the limitation under this subsection no longer applies, will not result in an increase in civilian health care costs.

(2) That the conversion of such billets to such positions meets the joint medical and dental readiness requirements of the uniformed services, as determined jointly by all the uniformed services.

(3) That, as determined pursuant to market surveys conducted under subsection (b), the civilian medical and dental care providers available in each affected area are adequate to fill the civilian positions created by the conversion of such billets to such positions in such affected area.

(b) MARKET SURVEYS.—The Secretary of Defense shall conduct in each affected area a survey of the availability of civilian medical and dental care providers in such area in order to determine, for purposes of subsection (a)(3), whether or not the civilian medical and dental care providers available in such area are adequate to fill the civilian positions created by the conversion of medical and dental billets to civilian positions in such area.

(c) DEFINITIONS.—In this section:

(1) The term ''affected area'' means an area in which the conversion of military medical or dental billets to civilian positions has taken place as of the date of the enactment of this Act or is scheduled to take place after the limitation under subsection (a) no longer applies.

(2) The term ''uniformed services'' has the meaning given that term in section 1072(1) of title 10, United States Code.

**Subtitle G—Defense Dependents Education Matters**

**SEC. 581. EXPANSION OF AUTHORIZED ENROLLMENT IN DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS OVERSEAS.**

The Defense Dependents' Education Act of 1978 (20 U.S.C. 931 et seq.) is amended by inserting after section 1404 the following new section:

''ENROLLMENT OF CERTAIN ADDITIONAL CHILDREN ON TUITION-FREE BASIS

''SEC. 1404A. (a) The Secretary of Defense may, under regulations to be prescribed by the Secretary, authorize the enrollment in schools of the defense dependents' education system on a tuition-free basis the children of full-time, locally-hired employees of the Department of Defense in an overseas area if such employees are citizens or nationals of the United States.

''(b) The Secretary may utilize funds available for the defense dependents' education system, including funds for construction, in order to provide for the education of children enrolled in the defense dependents' education system under subsection (a).''.

**SEC. 582. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES WITH SIGNIFICANT ENROLLMENT INCREASES IN MILITARY DEPENDENT STUDENTS DUE TO TROOP RELOCATIONS, CREATION OF NEW UNITS, AND REALIGNMENTS UNDER BRAC.**

(a) AVAILABILITY OF ASSISTANCE.—To assist communities in making adjustments resulting from the creation of new units and other large-scale relocations of members of the Armed Forces between military installations, the Secretary of Defense may make payments to local educational agencies described in subsection (b) that, during the period between the end of the school year preceding the fiscal year for which the payments are authorized and the beginning of the school year immediately preceding that school year, had an overall increase in the number of military dependent students enrolled in schools of such local educational agencies equal to or greater than 250 military dependent students.

(b) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency is eligible for assistance under this section for a fiscal year only if the Secretary of Defense determines that—

(1) the local educational agency is eligible for educational agencies assistance for the same fiscal year; and

(2) the required overall increase in the number of military dependent students enrolled in schools of that local educational agency, as provided in subsection (a), occurred as a result of the relocation of military personnel due to—

(A) the global rebasing plan of the Department of Defense;

(B) the official creation or activation of one or more new military units; or

(C) the realignment of forces as a result of the base closure process.

(c) NOTIFICATION.—Not later than June 30, 2006, and June 30 of each of the next two fiscal years, the Secretary of Defense shall notify each local educational agency that is eligible for assistance under this section for such fiscal year of—

(1) the eligibility of the local educational agency for the assistance; and

(2) the amount of the assistance for which that local educational agency is eligible, as determined under subsection (d).

(d) AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—In making assistance available to local educational agencies under this section, the Secretary of Defense shall, in consultation with the Secretary of Education, make assistance available to such local educational agencies for a fiscal year on a pro rata basis based on the size of the overall increase in the number of military and Department of Defense civilian dependent students enrolled in schools of those local educational agencies for such fiscal year.

(2) LIMITATION.—No local educational agency may receive more than $1,000,000 in assistance under this section for any fiscal year.

(e) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse assistance made available under this section for a fiscal year not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (c) for that fiscal year.

(f) CONSULTATION.—The Secretary of Defense shall carry out this section in consultation with the Secretary of Education.

(g) REPORTS.—

(1) REPORTS REQUIRED.—Not later than May 1 of each of 2007, 2008, and 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the assistance provided under this section during the fiscal year preceding the date of such report.

(2) ELEMENT.—Each report on the assistance provided during a fiscal year under this section shall include an assessment and description of the current compliance of each local educational agency receiving such assistance with the requirements of the No Child Left Behind Act of 2001 (Public Law 107–110).

(h) FUNDING.—Of the amount authorized to be appropriated to the Department of Defense for fiscal years 2006, 2007, and 2008 for operation and maintenance for Defense-wide activities, $15,000,000 shall be available for each such fiscal year only for the purpose of providing assistance to local educational agencies under this section.

(i) TERMINATION.—The authority of the Secretary of Defense to provide financial assistance under this section shall expire on September 30, 2008.

(j) DEFINITIONS.—In this section:

(1) The term ''base closure process'' means the 2005 base closure and realignment process authorized by Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) or any base closure and realignment process conducted after the date of the enactment of this Act under section 2687 of title 10, United States Code, or any other similar law enacted after that date.

(2) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(3) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(4) The term ''military dependent students'' refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

**SEC. 583. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2006.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing educational agencies assistance to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2006, the Secretary of Defense shall notify

each local educational agency that is eligible for educational agencies assistance for fiscal year 2006 of—

(1) that agency's eligibility for the assistance; and

(2) the amount of the assistance for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

(3) The term ''basic support payment'' means a payment authorized under section 8003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)).

**SEC. 584. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.**

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 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–77; 20 U.S.C. 7703a).

## Subtitle H—Other Matters

**SEC. 591. POLICY AND PROCEDURES ON CASUALTY ASSISTANCE TO SURVIVORS OF MILITARY DECEDENTS.**

(a) COMPREHENSIVE POLICY ON CASUALTY ASSISTANCE.—

(1) POLICY REQUIRED.—Not later than January 1, 2006, the Secretary of Defense shall develop and prescribe a comprehensive policy for the Department of Defense on the provision of casualty assistance to survivors and next of kin of members of the Armed Forces who die during military service (in this section referred to as ''military decedents'').

(2) CONSULTATION.—The Secretary shall develop the policy in consultation with the Secretaries of the military departments, the Secretary of Veterans Affairs, and the Secretary of Homeland Security with respect to the Coast Guard

(3) INCORPORATION OF PAST EXPERIENCE AND PRACTICE.—The policy shall be based on—

(A) the experience and best practices of the military departments;

(B) the recommendations of nongovernment organizations with demonstrated expertise in responding to the needs of survivors of military decedents; and

(C) such other matters as the Secretary of Defense considers appropriate.

(4) PROCEDURES.—The policy shall include procedures to be followed by the military departments in the provision of casualty assistance to survivors and next of kin of military decedents. The procedures shall be uniform across the military departments except to the extent necessary to reflect the traditional practices or customs of a particular military department.

(b) ELEMENTS OF POLICY.—The comprehensive policy developed under subsection (a) shall address the following matters:

(1) The initial notification of primary and secondary next of kin of the deaths of military decedents and any subsequent notifications of next of kin warranted by circumstances.

(2) The transportation and disposition of remains of military decedents, including notification of survivors of the performance of autopsies.

(3) The qualifications, assignment, training, duties, supervision, and accountability for the performance of casualty assistance responsibilities.

(4) The relief or transfer of casualty assistance officers, including notification to survivors and next of kin of the reassignment of such officers to other duties.

(5) Centralized, short-term and long-term case-management procedures for casualty assistance by each military department, including rapid access by survivors of military decedents and casualty assistance officers to expert case managers and counselors.

(6) The provision, at no cost to survivors of military decedents, of personalized, integrated information on the benefits and financial assistance available to such survivors from the Federal Government.

(7) The provision, at no cost to survivors of military decedents, of legal assistance by military attorneys on matters arising from the deaths of such decedents, including tax matters, on an expedited, prioritized basis.

(8) The provision of financial counseling to survivors of military decedents, particularly with respect to appropriate disposition of death gratuity and insurance proceeds received by surviving spouses, minor dependent children, and their representatives.

(9) The provision of information to survivors and next of kin of military decedents on mechanisms for registering complaints about, or requests for, additional assistance related to casualty assistance.

(10) Liaison with the Department of Veterans Affairs and the Social Security Administration in order to ensure prompt and accurate resolution of issues relating to benefits administered by those agencies for survivors of military decedents.

(11) Data collection regarding the incidence and quality of casualty assistance provided to survivors of military decedents, including surveys of such survivors and military and civilian members assigned casualty assistance duties.

(c) ADOPTION BY MILITARY DEPARTMENTS.—Not later than March 1, 2006, the Secretary of each military department shall prescribe regulations, or modify current regulations, on the policies and procedures of such military department on the provision of casualty assistance to survivors and next of kin of military decedents in order to conform such policies and procedures to the policy developed under subsection (a).

(d) REPORT ON IMPROVEMENT OF CASUALTY ASSISTANCE PROGRAMS.—Not later than May 1, 2006, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that includes—

(1) the assessment of the Secretary of the adequacy and sufficiency of the current casualty assistance programs of the military departments;

(2) a plan for a system for the uniform provision to survivors of military decedents of personalized, accurate, and integrated information on the benefits and financial assistance available to such survivors through the casualty assistance programs of the military departments under subsection (c); and

(3) such recommendations for other legislative or administrative action as the Secretary considers appropriate to enhance and improve such programs to achieve their intended purposes.

(e) GAO REPORT.—

(1) REPORT REQUIRED.—Not later than August 1, 2006, the Comptroller General of the United States shall submit to the congressional defense committees a report on the evaluation by the Comptroller General of the casualty assistance programs of the Department of Defense and of such other departments and agencies of the Federal Government as provide casualty assistance to survivors and next of kin of military decedents.

(2) ASSESSMENT.—The report shall include the assessment of the Comptroller General of the adequacy of the current policies and procedures of, and funding for, the casualty assistance programs covered by the report to achieve their intended purposes.

**SEC. 592. MODIFICATION AND ENHANCEMENT OF MISSION AND AUTHORITIES OF THE NAVAL POSTGRADUATE SCHOOL.**

(a) COMBAT-RELATED FOCUS FOR NAVAL POSTGRADUATE SCHOOL.—

(1) IN GENERAL.—Section 7041 of title 10, United States Code, is amended by striking ''for the advanced instruction'' and all that follows and inserting ''for the provision of advanced instruction, and professional and technical education, to commissioned officers of the naval service to enhance combat effectiveness and the national security.''.

(2) CONFORMING AMENDMENT.—Section 7042(b)(1) of such title is amended by striking ''and technical education'' and inserting '', and technical and professional education,''.

(b) EXPANDED ELIGIBILITY OF ENLISTED PERSONNEL FOR INSTRUCTION.—Section 7045 of such title is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraph (C) as subparagraph (D);

(B) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) The Secretary may permit an eligible member of the armed forces to receive instruction from the Postgraduate School in certificate programs and courses required for the performance of the member's duties.''; and

(C) in subparagraph (D), as so redesignated, by striking ''(A) and (B)'' and inserting ''(A), (B), and (C)''; and

(2) in subsection (b)(2), by striking ''(a)(2)(C)'' and inserting ''(a)(2)(D)''.

**SEC. 593. EXPANSION AND ENHANCEMENT OF AUTHORITY TO PRESENT RECOGNITION ITEMS FOR RECRUITMENT AND RETENTION PURPOSES.**

(a) IN GENERAL.—(1) Subchapter II of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2261. Presentation of recognition items for recruitment and retention purposes**

''(a) EXPENDITURES FOR RECOGNITION ITEMS.—Under regulations prescribed by the Secretary of Defense, appropriated funds may be expended—

''(1) to procure recognition items of nominal or modest value for recruitment or retention purposes; and

''(2) to present such items—

''(A) to members of the armed forces, including members of the reserve components of the armed forces; and

''(B) to members of the families of members of the armed forces, and to other individuals recognized as providing support that substantially facilitates service in the armed forces.

''(b) PROVISION OF MEALS AND REFRESHMENTS.—For purposes of section 520c of this title and any regulation prescribed to implement that section, functions conducted for the purpose of presenting recognition items described in subsection (a) shall be treated as recruiting functions, and recipients of such items shall be treated as persons who are the objects of recruiting efforts.

''(c) DEFINITION.—The term 'recognition items of nominal or modest value' means commemorative coins, medals, trophies, badges, flags, posters, paintings, or other similar items that are valued at less than $50 per item and are designed to recognize or commemorate service in the armed forces.

''(d) TERMINATION OF AUTHORITY.—The authority under this section shall expire December 31, 2007.''.

(2) The table of sections at the beginning of subchapter II of chapter 134 of such title is amended by adding at the end the following new item:

''2261. Presentation of recognition items for recruitment and retention purposes.''.

(b) REPEAL OF SUPERSEDED AUTHORITIES.—

(1) ARMY RESERVE.—(A) Section 18506 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 1805 of such title is amended by striking the item relating to section 18506.

(2) NATIONAL GUARD.—(A) Section 717 of title 32, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 7 of such title is amended by striking the item relating to section 717.

**SEC. 594. REQUIREMENT FOR REGULATIONS ON POLICIES AND PROCEDURES ON PERSONAL COMMERCIAL SOLICITATIONS ON DEPARTMENT OF DEFENSE INSTALLATIONS.**

(a) REQUIREMENT.—Not later than January 1, 2006, the Secretary of Defense shall prescribe regulations, or modify existing regulations, on the policies and procedures relating to personal commercial solicitations, including the sale of life insurance and securities, on Department of Defense installations.

(b) REPEAL OF SUPERSEDED LIMITATIONS.—The following provisions of law are repealed:

(1) Section 586 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1493).

(2) Section 8133 of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1002).

**SEC. 595. FEDERAL ASSISTANCE FOR STATE PROGRAMS UNDER THE NATIONAL GUARD YOUTH CHALLENGE PROGRAM.**

(a) IN GENERAL.—Section 509(d) of title 32, United States Code, is amended by striking paragraphs (1), (2), (3), and (4) and inserting the following new paragraphs:

''(1) for fiscal year 2006, 65 percent of the costs of operating the State program during that fiscal year;

''(2) for fiscal year 2007, 70 percent of the costs of operating the State program during that fiscal year; and

''(3) for fiscal year 2008 and each subsequent fiscal year, 75 percent of the costs of operating the State program during such fiscal year.''.

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

**SEC. 596. AUTHORITY FOR NATIONAL DEFENSE UNIVERSITY AWARD OF DEGREE OF MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.**

(a) JOINT FORCES STAFF COLLEGE PROGRAM.—Section 2163 of title 10, United States Code, is amended to read as follows:

**''§ 2163. National Defense University: master of science degrees**

''(a) AUTHORITY TO AWARD SPECIFIED DEGREES.—The President of the National Defense University, upon the recommendation of the faculty of the respective college or other school within the University, may confer the master of science degrees specified in subsection (b).

''(b) AUTHORIZED DEGREES.—The following degrees may be awarded under subsection (a):

''(1) MASTER OF SCIENCE IN NATIONAL SECURITY STRATEGY.—The degree of master of science in national security strategy, to graduates of the University who fulfill the requirements of the program of the National War College.

''(2) MASTER OF SCIENCE IN NATIONAL RESOURCE STRATEGY.—The degree of master of science in national resource strategy, to graduates of the University who fulfill the requirements of the program of the Industrial College of the Armed Forces.

''(3) MASTER OF SCIENCE IN JOINT CAMPAIGN PLANNING AND STRATEGY.—The degree of master of science in joint campaign planning and strategy, to graduates of the University who fulfill the requirements of the program of the Joint Advanced Warfighting School at the Joint Forces Staff College.

''(c) REGULATIONS.—The authority provided by this section shall be exercised under regulations prescribed by the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The item relating to section 2163 in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

''2163. National Defense University: master of science degrees.''.

(c) EFFECTIVE DATE.—Paragraph (3) of section 2163(b) of title 10, United States Code, as amended by subsection (a), shall take effect for degrees awarded after May 2005.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### Subtitle A—Pay and Allowances

**SEC. 601. ELIGIBILITY FOR ADDITIONAL PAY OF PERMANENT MILITARY PROFESSORS AT THE UNITED STATES NAVAL ACADEMY WITH OVER 36 YEARS OF SERVICE.**

Section 203(b) of title 37, United States Code, is amended by inserting '', the United States Naval Academy,'' after ''the United States Military Academy''.

**SEC. 602. ENHANCED AUTHORITY FOR AGENCY CONTRIBUTIONS FOR MEMBERS OF THE ARMED FORCES PARTICIPATING IN THE THRIFT SAVINGS PLAN.**

(a) AUTHORITY TO MAKE CONTRIBUTIONS FOR CERTAIN FIRST-TIME ENLISTEES.—Section 211(d) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting ''(i)'' after ''(A)'';

(B) by redesignating subparagraph (B) as clause (ii) of subparagraph (A);

(C) in clause (ii) of subparagraph (A), as so redesignated, by striking the period at the end and inserting ''; or''; and

(D) by adding at the end the following new subparagraph (B):

''(B) in the case of a member first enlisting in the armed forces, the period of the member's enlistment is not less than two years.'';

(2) in paragraph (2), by striking ''paragraph (1)'' the first place it appears and inserting ''paragraph (1)(A)''; and

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

''(3) In the case of a member described by paragraph (1)(B), the Secretary shall make contributions to the Fund for the benefit of the member for each pay period of the enlistment of the member described in that paragraph for which the member makes a contribution to the Fund under section 8440e of title 5 (other than under subsection (d)(2) thereof). The second sentence of paragraph (2) applies to the Secretary's obligation to make contributions under this paragraph to the same extent as such paragraph applies to the Secretary's obligation to make contributions under such paragraph.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

**SEC. 603. PERMANENT AUTHORITY FOR SUPPLEMENTAL SUBSISTENCE ALLOWANCE FOR LOW-INCOME MEMBERS WITH DEPENDENTS.**

Section 402a of title 37, United States Code, is amended by striking subsection (i).

**SEC. 604. MODIFICATION OF PAY CONSIDERED AS SAVED PAY UPON APPOINTMENT OF AN ENLISTED MEMBER AS AN OFFICER.**

(a) IN GENERAL.—Section 907(d) of title 37, United States Code, is amended to read as follows:

''(d) In determining the amount of the pay and allowances of a grade formerly held by an officer, the following special and incentive pays may be considered only so long as the officer continues to perform the duty creating the entitlement to or eligibility for such pay and would otherwise be eligible to receive such pay in the officer's former grade:

''(1) Incentive pay for hazardous duty under section 301 of this title.

''(2) Submarine duty incentive pay under section 301c of this title.

''(3) Diving duty special pay under section 304 of this title.

''(4) Hardship duty special pay under section 305 of this title.

''(5) Career sea pay under section 305a of this title.

''(6) Special pay for service as a member of a Weapons of Mass Destruction Civil Support Team under section 305b of this title.

''(7) Assignment incentive pay under section 307a of this title.

''(8) Hostile fire pay or imminent danger pay under section 310 of this title.

''(9) Special pay for extension of overseas tour of duty under section 314 of this title.

''(10) Foreign language proficiency pay under section 316 of this title.

''(11) Critical skill retention bonus under section 323 of this title, if payable in periodic installments.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to acceptances of enlisted members of appointments as officers on or after that date.

### Subtitle B—Bonuses and Special and Incentive Pays

**SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.**

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) READY RESERVE NON-PRIOR SERVICE ENLISTMENT BONUS.—Section 308g(h) of such title is amended by striking ''an enlistment after September 30, 1992.'' and inserting ''an enlistment—

''(1) during the period beginning on October 1, 1992, and ending on September 30, 2005; or

''(2) after September 30, 2006.''.

(d) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

**SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR CERTAIN HEALTH CARE PROFESSIONALS.**

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE

IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''before January 1, 2006'' and inserting ''on or before December 31, 2006''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''the date of the enactment of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 and ending on September 30, 2005'' and inserting ''October 30, 2000, and ending on December 31, 2006''.

**SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.**

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

**SEC. 614. ONE-YEAR EXTENSION OF OTHER BONUS AND SPECIAL PAY AUTHORITIES.**

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(f) of such title is amended by striking ''December 31, 2006'' and inserting ''December 31, 2007''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(d) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(e) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(e) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS.—Section 323(i) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(f) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

**SEC. 615. PAYMENT AND REPAYMENT OF ASSIGNMENT INCENTIVE PAY.**

(a) FLEXIBLE PAYMENT.—Section 307a of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''monthly''; and

(B) by adding at the end the following new sentence: ''Incentive pay payable under this section may be paid on a monthly basis, in a lump sum, or in installments.'';

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''The Secretary concerned'';

(B) in paragraph (1), as so designated, by striking ''incentive pay'' in the first sentence and inserting ''the payment of incentive pay on a monthly basis''; and

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

''(2) The Secretary concerned shall require a member performing service in an assignment designated under subsection (a) to enter into a written agreement with the Secretary in order to qualify for the payment of incentive pay on a lump sum or installment basis under this section. The written agreement shall specify the period for which the incentive pay will be paid to the member and, subject to subsection (c), the amount of the lump sum, or each installment, of the incentive pay.''; and

(3) by striking subsection (c) and inserting the following new subsection (c):

''(c) MAXIMUM RATE OR AMOUNT.—(1) The maximum monthly rate of incentive pay payable to a member on a monthly basis under this section is $1,500.

''(2) The amount of the lump sum payment of incentive pay payable to a member on a lump sum basis under this section may not exceed an amount equal to the product of—

''(A) the maximum monthly rate authorized under paragraph (1) at the time of the written agreement of the member under subsection (b)(2); and

''(B) the number of months in the period for which incentive pay will be paid pursuant to the agreement.

''(3) The amount of each installment payment of incentive pay payable to a member on an installment basis under this section shall be the amount equal to—

''(A) the product of (i) a monthly rate specified in the written agreement of the member under subsection (b)(2) (which monthly rate may not exceed the maximum monthly rate authorized under paragraph (1) at the time of the written agreement), and (ii) the number of months in the period for which incentive pay will be paid; divided by

''(B) the number of installments over such period.

''(4) If a member extends an assignment specified in an agreement with the Secretary under subsection (b), incentive pay for the period of the extension may be paid under this section on a monthly basis, in a lump sum, or in installments in accordance with this section.''.

(b) REPAYMENT.—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c), as amended by subsection (a)(3) of this section, the following new subsection (d):

''(d) REPAYMENT OF INCENTIVE PAY.—(1)(A) A member who, pursuant to an agreement under subsection (b)(2), receives a lump sum or installment payment of incentive pay under this section and who fails to complete the total period of service or other conditions specified in the agreement voluntarily or because of misconduct, shall refund to the United States an amount equal to the percentage of incentive pay paid which is equal to the unexpired portion of the service divided by the total period of service.

''(B) The Secretary concerned may waive repayment of an amount of incentive pay under subparagraph (A), whether in whole or in part, if the Secretary determines that conditions and circumstances warrant.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of the agreement does not discharge the member signing the agreement from a debt arising under paragraph (1).''.

**SEC. 616. INCREASE IN AMOUNT OF SELECTIVE REENLISTMENT BONUS FOR CERTAIN SENIOR SUPERVISORY NUCLEAR QUALIFIED ENLISTED PERSONNEL.**

(a) IN GENERAL.—Section 308 of title 37, United States Code, is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively; and

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

''(b)(1) An enlisted member of the naval service who—

''(A) has completed at least ten, but not more than fourteen, years of active duty;

''(B) is currently qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

''(C) is qualified in a military skill designated as critical by the Secretary of Defense; and

''(D) reenlists or voluntarily extends the member's enlistment for a period of at least three years in the regular component of the naval service,

may be paid a bonus as provided in paragraph (2).

''(2) The bonus to be paid a member under paragraph (1) may not exceed the lesser of the following amounts:

''(A) The amount determined with respect to the member in accordance with subsection (a)(2)(A).

''(B) $75,000.

''(3) Subsection (a)(3) applies to the computation under paragraph (2)(A) of any bonus payable under this subsection.

''(4) Subsection (a)(4) applies to the payment of any bonus payable under this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall apply with respect to reenlistments or voluntary extensions of enlistments that occur on or after that date.

**SEC. 617. CONSOLIDATION AND MODIFICATION OF BONUSES FOR AFFILIATION OR ENLISTMENT IN THE SELECTED RESERVE.**

(a) CONSOLIDATION AND MODIFICATION OF BONUSES.—Section 308c of title 37, United States Code, is amended to read as follows:

**''§ 308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve**

''(a) AFFILIATION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may pay an affiliation bonus to an enlisted member of an armed force who—

''(1) has completed fewer than 20 years of military service; and

''(2) executes a written agreement to serve in the Selected Reserve of the Ready Reserve of an armed force for a period of not less than three years in a skill, unit, or pay grade designated under subsection (b) after being discharged or released from active duty under honorable conditions.

''(b) DESIGNATION OF SKILLS, UNITS, AND PAY GRADES.—The Secretary concerned shall designate the skills, units, and pay grades for which an affiliation bonus may be paid under subsection (a). Any skill, unit, or pay grade so designated shall be a skill, unit, or pay grade for which there is a critical need for personnel in the Selected Reserve of the Ready Reserve of an armed force, as determined by the Secretary concerned.

''(c) ACCESSION BONUS AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may pay an accession bonus to a person who—

''(1) has not previously served in the armed forces; and

''(2) executes a written agreement to serve as an enlisted member in the Selected Reserve of the Ready Reserve of an armed force

for a period of not less than three years upon acceptance of the agreement by the Secretary concerned.

''(d) LIMITATION ON AMOUNT OF BONUS.—The amount of a bonus under subsection (a) or (c) may not exceed $10,000.

''(e) PAYMENT METHOD.—Upon acceptance of a written agreement by the Secretary concerned, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus shall be paid by the Secretary concerned in a lump sum or in installments.

''(f) CONTINUED ENTITLEMENT TO BONUS PAYMENTS.—A member entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

''(g) REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.—(1) An individual who, after being paid all or part of a bonus under an agreement under subsection (a) or (c), does not commence to serve in the Selected Reserve or does not satisfactorily participate in the Selected Reserve for the total period of service specified in such agreement shall repay to the United States the amount of such bonus so paid, except as otherwise prescribed under paragraph (2).

''(2) The Secretary concerned shall prescribe in regulations whether repayment of an amount otherwise required under paragraph (1) shall be made in whole or in part, the method for computing the amount of such repayment, and any conditions under which an exception to required repayment would apply.

''(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) or (c) does not discharge the individual signing the agreement from a debt arising under such agreement or under paragraph (1).

''(h) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any agreement entered into under subsection (a) or (c) after December 31, 2006.''.

(b) REPEAL OF SUPERSEDED AFFILIATION BONUS AUTHORITY.—Section 308e of such title is repealed.

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 5 of such title is amended—

(1) by striking the item relating to section 308c and inserting the following new item:

''308c. Special pay: bonus for affiliation or enlistment in the Selected Reserve.'';

and

(B) by striking the item relating to section 308e.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall apply with respect to agreements entered into under section 308c of title 37, United States Code (as amended by subsection (a)), on or after that date.

**SEC. 618. EXPANSION AND ENHANCEMENT OF SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.**

(a) ELIGIBILITY FOR PAY.—Subsection (a) of section 308d of title 37, United States Code, is amended by striking ''an enlisted member'' and inserting ''a member''.

(b) AMOUNT OF PAY.—Such subsection is further amended by striking ''$10'' and inserting ''$50''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

**''§ 308d. Special pay: members of the Selected Reserve assigned to certain high priority units''.**

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by striking the item relating to section 308d and inserting the following new item:

''308d. Special pay: members of the Selected Reserve assigned to certain high priority units.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005, and shall apply to inactive-duty training performed on or after that date.

**SEC. 619. RETENTION INCENTIVE BONUS FOR MEMBERS OF THE SELECTED RESERVE QUALIFIED IN A CRITICAL MILITARY SKILL OR SPECIALTY.**

(a) BONUS AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 308j the following new section:

**''§ 308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty**

''(a) RETENTION BONUS AUTHORIZED.—An eligible officer or enlisted member of the armed forces may be paid a retention bonus as provided in this section if—

''(1) in the case of an officer or warrant officer, the member executes a written agreement to remain in the Selected Reserve for at least 2 years;

''(2) in the case of an enlisted member, the member reenlists or voluntarily extends the member's enlistment in the Selected Reserve for a period of at least 2 years; or

''(3) in the case of an enlisted member serving on an indefinite reenlistment, the member executes a written agreement to remain in the Selected Reserve for at least 2 years.

''(b) ELIGIBLE MEMBERS.—Subject to subsection (d), an officer or enlisted member is eligible for a bonus under this section if the member—

''(1) is qualified in a military skill or specialty designated as critical for purposes of this section under subsection (c); or

''(2) agrees to train or retrain in a military skill or specialty so designated as critical.

''(c) DESIGNATION OF CRITICAL SKILLS OR SPECIALTIES.—The Secretary of Defense shall designate the military skills and specialties that shall be treated as critical military skills and specialties for purposes of this section.

''(d) CERTAIN MEMBERS INELIGIBLE.—A bonus may not be paid under subsection (a) to a member of the armed forces who—

''(1) has completed more than 25 years of qualifying service under section 12732 of title 10; or

''(2) will complete the member's twenty-fifth year of qualifying service under section 12732 of title 10 before the end of the period of service for which the bonus is being offered.

''(e) MAXIMUM BONUS AMOUNT.—A member may enter into an agreement under this section, or reenlist or voluntarily extend the member's enlistment, more than once to receive a bonus under this section. However, a member may not receive a total of more than $100,000 in payments under this section.

''(f) PAYMENT METHODS.—(1) A bonus under subsection (a) may be paid in a single lump sum or in installments.

''(2) In the case of a member who agrees to train or retrain in a military skill or specialty designated as critical under subsection (b)(2), no payment may be made until the member successfully completes the training or retraining and is qualified in such skill or specialty.

''(g) RELATIONSHIP TO OTHER INCENTIVES.—A bonus paid to a member under subsection (a) is in addition to any other pay and allowances to which the member is entitled under any other provision of law.

''(h) REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.—(1) An individual who, after receiving all or part of the bonus under an agreement, or a reenlistment or voluntary extension of enlistment, referred to in subsection (a), does not commence to serve in the Selected Reserve, or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement, or under such reenlistment or voluntary extension of enlistment, as applicable, shall repay to the United States such bonus, except under conditions established by the Secretary concerned.

''(2) The Secretary concerned shall establish, in accordance with the regulations prescribed under subsection (i)—

''(A) whether repayment of a bonus under paragraph (1) is required in whole or in part;

''(B) the method for computing the amount of such repayment; and

''(C) the conditions under which an exception to repayment otherwise required under that paragraph would apply.

''(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under subsection (a), or a reenlistment or voluntary extension of enlistment under subsection (a), does not discharge the individual signing the agreement, reenlisting, or voluntarily extending enlistment, as applicable, from a debt arising under paragraph (1).

''(i) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

''(j) TERMINATION OF AUTHORITY.—No bonus may be paid under this section with respect to any agreement, reenlistment, or voluntary extension of enlistment in the armed forces entered into after December 31, 2006.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 308j the following new item:

''308k. Special pay: retention incentive bonus for members of the Selected Reserve qualified in a critical military skill or specialty.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

**SEC. 620. TERMINATION OF LIMITATION ON DURATION OF PAYMENT OF IMMINENT DANGER SPECIAL PAY DURING HOSPITALIZATION.**

(a) TERMINATION OF LIMITATION.—Section 310(b) of title 37, United States Code, is amended by striking ''not more than three additional months'' and inserting ''any month, or any portion of a month,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

**SEC. 621. AUTHORITY FOR RETROACTIVE PAYMENT OF IMMINENT DANGER SPECIAL PAY.**

Section 310 of title 37, United States Code, is 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) DATE OF COMMENCEMENT OF PAYMENT OF IMMINENT DANGER PAY.—Payment of special pay under this section to a member covered by subsection (a)(2)(D) may be made from any date, as determined by the Secretary of Defense, on or after which such member was assigned to duty in a foreign area determined by the Secretary to be covered by such subsection.''.

**SEC. 622. AUTHORITY TO PAY FOREIGN LANGUAGE PROFICIENCY PAY TO MEMBERS ON ACTIVE DUTY AS A BONUS.**

(a) AUTHORITY TO PAY.—Section 316 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''OR BONUS'' after ''SPECIAL PAY''; and

(B) by inserting ''or a bonus'' after ''monthly special pay'';

(2) in subsection (d)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph (2):

''(2) The amount of the bonus paid under subsection (a) may not exceed $12,000 for the one-year period covered by the certification of the member. The Secretary concerned may pay the bonus in a single lump sum at the beginning of the certification period or in installments during the certification period.''; and

(3) in subsection (f)(1)(C), by inserting ''or a bonus'' after ''special pay''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

**SEC. 623. INCENTIVE BONUS FOR TRANSFER BETWEEN THE ARMED FORCES.**

(a) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

**''§ 327. Incentive bonus: transfer between armed forces**

''(a) INCENTIVE BONUS AUTHORIZED.—A bonus under this section may be paid to an eligible member of a regular component or reserve component of an armed force who executes a written agreement—

''(1) to transfer from such regular component or reserve component to a regular component or reserve component of another armed force; and

''(2) to serve pursuant to such agreement for a period of not less than three years in the component to which transferred.

''(b) ELIGIBLE MEMBERS.—A member is eligible to enter into an agreement under subsection (a) if, as of the date of the agreement, the member—

''(1) has not failed to satisfactorily complete any term of enlistment in the armed forces;

''(2) is eligible for reenlistment in the armed forces or, in the case of an officer, is eligible to continue in service in a regular or reserve component of the armed forces; and

''(3) has fulfilled such requirements for transfer to the component of the armed force to which the member will transfer as the Secretary having jurisdiction over such armed force shall establish.

''(c) LIMITATION.—A member may enter into an agreement under subsection (a) to transfer to a regular component or reserve component of another armed force only if the Secretary having jurisdiction over such armed force determines that there is shortage of trained and qualified personnel in such component.

''(d) AMOUNT AND PAYMENT OF BONUS.—(1) A bonus under this section may not exceed $2,500.

''(2) A bonus under this section shall be paid by the Secretary having jurisdiction of the armed force to which the member to be paid the bonus is transferring.

''(3) A bonus under this section shall, at the election of the Secretary paying the bonus—

''(A) be disbursed to the member in one lump sum when the transfer for which the bonus is paid is approved by the chief personnel officer of the armed force to which the member is transferring; or

''(B) be paid to the member in annual installments in such amounts as may be determined by the Secretary paying the bonus.

''(e) RELATIONSHIP TO OTHER PAY AND ALLOWANCES.—A bonus paid to a member under this section is in addition to any other pay and allowances to which the member is entitled.

''(f) REPAYMENT OF BONUS.—(1) A member who is paid a bonus under an agreement under this section and who, voluntarily or because of misconduct, fails to serve for the period covered by such agreement shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid such member as the period which such member failed to serve bears to the total period for which the bonus was paid.

''(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under paragraph (1).

''(g) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department under this subsection shall be subject to the approval of the Secretary of Defense.

''(h) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2006.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new item:

''327. Incentive bonus: transfer between armed forces.''.

**Subtitle C—Travel and Transportation Allowances**

**SEC. 631. TRANSPORTATION OF FAMILY MEMBERS IN CONNECTION WITH THE REPATRIATION OF SERVICEMEMBERS OR CIVILIAN EMPLOYEES HELD CAPTIVE.**

(a) MILITARY CAPTIVES.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411i the following new section:

**''§ 411j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive**

''(a) ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for not more than 3 family members of a member described in subsection (b).

''(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the Secretary concerned may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in that paragraph if the Secretary determines that—

''(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the Secretary; and

''(B) no other family member who is eligible for travel and transportation under paragraph (1) is able to serve as an attendant for the family member.

''(3) If no family member of a member described in subsection (b) is able to travel to the repatriation site of the member, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the member.

''(b) COVERED MEMBERS.—A member described in this subsection is a member of the uniformed services who—

''(1) is serving on active duty;

''(2) was held captive, as determined by the Secretary concerned; and

''(3) is repatriated to a site inside or outside the United States.

''(c) ELIGIBLE FAMILY MEMBERS.—In this section, the term 'family member' has the meaning given the term in section 411h(b) of this title.

''(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the member is located.

''(2) In addition to the transportation authorized by subsection (a), the Secretary concerned may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 404(d) of this title.

''(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 411h(d)(1) of this title.

''(4) An allowance under this subsection may be paid in advance.

''(5) Reimbursement payable under this subsection may not exceed the cost of government-procured round-trip air travel.''.

(2) The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411i the following new item:

''411j. Travel and transportation allowances: transportation of family members incident to the repatriation of members held captive.''.

(b) CIVILIAN CAPTIVES.—(1) Chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

**''§ 5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive**

''(a) ALLOWANCE FOR FAMILY MEMBERS AND CERTAIN OTHERS.—(1) Under uniform regulations prescribed by the heads of agencies, travel and transportation described in subsection (d) may be provided for not more than 3 family members of an employee described in subsection (b).

''(2) In addition to the family members authorized to be provided travel and transportation under paragraph (1), the head of an agency may provide travel and transportation described in subsection (d) to an attendant to accompany a family member described in subsection (b) if the head of an agency determines—

''(A) the family member to be accompanied is unable to travel unattended because of age, physical condition, or other reason determined by the head of the agency; and

''(B) no other family member who is eligible for travel and transportation under subsection (a) is able to serve as an attendant for the family member.

''(3) If no family member of an employee described in subsection (b) is able to travel

to the repatriation site of the employee, travel and transportation described in subsection (d) may be provided to not more than 2 persons related to and selected by the employee.

''(b) COVERED EMPLOYEES.—An employee described in this subsection is an employee (as defined in section 2105 of this title) who—

''(1) was held captive, as determined by the head of an agency concerned; and

''(2) is repatriated to a site inside or outside the United States.

''(c) ELIGIBLE FAMILY MEMBERS.—In this section, the term 'family member' has the meaning given the term in section 411h(b) of title 37.

''(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—(1) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member (or home of the attendant or person provided transportation under paragraph (2) or (3) of subsection (a), as the case may be) and the location of the repatriation site at which the employee is located.

''(2) In addition to the transportation authorized by subsection (a), the head of an agency may provide a per diem allowance or reimbursement for the actual and necessary expenses of the travel, or a combination thereof, but not to exceed the rates established for such allowances and expenses under section 404(d) of title 37.

''(3) The transportation authorized by subsection (a) may be provided by any of the means described in section 411h(d)(1) of title 37.

''(4) An allowance under this subsection may be paid in advance.

''(5) Reimbursement payable under this subsection may not exceed the cost of government-procured round-trip air travel.''.

(2) The table of sections at the beginning of chapter 57 of such title is amended by adding at the end the following new item:

''5760. Travel and transportation allowances: transportation of family members incident to the repatriation of employees held captive.''.

**Subtitle D—Retired Pay and Survivor Benefits**

**SEC. 641. ENHANCEMENT OF DEATH GRATUITY AND ENHANCEMENT OF LIFE INSURANCE BENEFITS FOR CERTAIN COMBAT RELATED DEATHS.**

(a) INCREASED AMOUNT OF DEATH GRATUITY.—

(1) INCREASED AMOUNT.—Section 1478(a) of title 10, United States Code, is amended by striking ''$12,000'' and inserting ''$100,000''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

(3) COORDINATION WITH OTHER ENHANCEMENTS.—If the date of the enactment of this Act occurs before October 1, 2005—

(A) effective as of such date of enactment, the amendments made to section 1478 of title 10, United States Code, by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13) are repealed; and

(B) effective immediately before the execution of the amendment made by paragraph (1), the provisions of section 1478 of title 10, United States Code, as in effect on the date before the date of the enactment of the Act referred to in subparagraph (A), shall be revived.

(b) SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENTS.—

(1) INCREASED MAXIMUM AMOUNT OF SGLI.—Section 1967 of title 38, United States Code, is amended—

(A) in subsection (a)(3)(A), by striking clause (i) and inserting the following new clause:

''(i) In the case of a member—

''(I) $400,000 or such lesser amount as the member may elect as provided in subparagraph (B);

''(II) in the case of a member covered by subsection (e), the amount provided for or elected by the member under subclause (I) plus the additional amount of insurance provided for the member by subsection (e); or

''(III) in the case of a member covered by subsection (e) who has made an election under paragraph (2)(A) not to be insured under this subchapter, the amount of insurance provided for the member by subsection (e).''; and

(B) in subsection (d), by striking ''$250,000'' and inserting ''$400,000''.

(2) INCREMENTS OF DECREASED AMOUNTS ELECTABLE BY MEMBERS.—Subsection (a)(3)(B) of such section is amended by striking ''member or spouse'' in the last sentence and inserting ''member, be evenly divisible by $50,000 and, in the case of a member's spouse''.

(3) ADDITIONAL AMOUNT FOR MEMBERS SERVING IN CERTAIN AREAS OR OPERATIONS.—

(A) INCREASED AMOUNT.—Section 1967 of such title is further amended—

(i) by redesignating subsection (e) as subsection (f); and

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

''(e)(1) A member covered by this subsection is any member as follows:

''(A) Any member who dies as a result of one or more wounds, injuries, or illnesses incurred while serving in an operation or area that the Secretary of Defense designates, in writing, as a combat operation or a zone of combat, respectively, for purposes of this subsection.

''(B) Any member who formerly served in an operation or area so designated and whose death is determined (under regulations prescribed by the Secretary of Defense) to be the direct result of injury or illness incurred or aggravated while so serving.

''(2) The additional amount of insurance under this subchapter that is provided for a member by this subsection is $150,000, except that in a case in which the amount provided for or elected by the member under subsection (a)(3)(A)(i)(I) exceeds $250,000, the additional amount of insurance under this subchapter that is provided for the member by this subsection shall be reduced to such amount as is necessary to comply with the limitation in paragraph (3).

''(3) The total amount of insurance payable for a member under this subchapter may not exceed $400,000.

''(4) While a member is serving in an operation or area designated as described in paragraph (1), the cost of insurance of the member under this subchapter that is attributable to $150,000 of insurance coverage shall, at the election of the Secretary concerned—

''(A) be contributed as provided in section 1969(b)(2) of this title, rather through deduction or withholding from the member's pay; or

''(B) if deducted or withheld from the member's pay, be reimbursed to the member through such mechanism as the Secretary concerned determines appropriate.''.

(B) FUNDING.—Section 1969(b) of such title is amended—

(i) by inserting ''(1)'' after ''(b)''; and

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

''(2) For each month for which a member insured under this subchapter is serving in an operation or area designated as described by paragraph (1)(A) of section 1967(e) of this title, there may, at the election of the Secretary concerned under paragraph (4)(A) of such section, be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Secretary and certified to the Secretary concerned to be the cost of Servicemembers' Group Life Insurance which is traceable to the cost of providing insurance for the member under section 1967 of this title in the amount of $150,000.''.

(4) CONFORMING AMENDMENT.—Section 1967(a)(2)(A) of such title is amended by inserting before the period at the end the following: '', except with respect to insurance provided under paragraph (3)(A)(i)(III)''.

(5) COORDINATION WITH VGLI.—Section 1977(a) of such title is amended—

(A) by striking ''$250,000'' each place it appears and inserting ''$400,000''; and

(B) by adding at the end of paragraph (1) the following new sentence: ''Any additional amount of insurance provided a member under section 1967(e) of this title may not be treated as an amount for which Veterans' Group Life Insurance shall be issued under this section.''.

(6) REQUIREMENTS REGARDING ELECTIONS OF MEMBERS TO REDUCE OR DECLINE INSURANCE.—Section 1967(a) of such title is further amended—

(A) in paragraph (2), by adding at the end the following new subparagraph:

''(C) Pursuant to regulations prescribed by the Secretary of Defense, notice of an election of a member with a spouse not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided under paragraph (3)(A)(i)(I), shall be provided to the spouse of the member.''; and

(B) in paragraph (3), by adding at the end the following new subparagraph:

''(D) Whenever a member who is not married elects not to be insured under this subchapter, or to be insured under this subchapter in an amount less than the maximum amount provided for under subparagraph (A)(i)(I), the Secretary concerned shall provide a notice of such election to any person designated by the member as a beneficiary or designated as the member's next-of-kin for the purpose of emergency notification, as determined under regulations prescribed by the Secretary of Defense.''.

(7) REQUIREMENT REGARDING REDESIGNATION OF BENEFICIARIES.—Section 1970 of such title is amended by adding at the end the following new subsection:

''(j) A member with a spouse may not modify the beneficiary or beneficiaries designated by the member under subsection (a) without providing written notice of such modification to the spouse.''.

(8) EFFECTIVE DATE.—This subsection and the amendments made by this subsection shall take effect on October 1, 2005, immediately after the termination of the amendments made to sections 1967, 1969, 1970, and 1977 of title 38, United States Code, by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

**SEC. 642. IMPROVEMENT OF MANAGEMENT OF ARMED FORCES RETIREMENT HOME.**

(a) REDESIGNATION OF CHIEF OPERATING OFFICER AS CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(A) by striking ''Chief Operating Officer'' each place it appears and inserting ''Chief Executive Officer''; and

(B) in subsection (e)(1), by striking ''Chief Operating Officer's'' and inserting ''Chief Executive Officer's''.

(2) CONFORMING AMENDMENTS.—Such Act is further amended by striking ''Chief Operating Officer'' each place it appears in a provision as follows and inserting ''Chief Executive Officer'':

(A) In section 1511 (24 U.S.C. 411).
(B) In section 1512 (24 U.S.C. 412).
(C) In section 1513(a) (24 U.S.C. 413(a)).
(D) In section 1514(c)(1) (24 U.S.C. 414(c)(1)).
(E) In section 1516(b) (24 U.S.C. 416(b)).
(F) In section 1517 (24 U.S.C. 417).
(G) In section 1518(c) (24 U.S.C. 418(c)).
(H) In section 1519(c) (24 U.S.C. 419(c)).
(I) In section 1521(a) (24 U.S.C. 421(a)).
(J) In section 1522 (24 U.S.C. 422).
(K) In section 1523(b) (24 U.S.C. 423(b)).
(L) In section 1531 (24 U.S.C. 431).

(3) CLERICAL AMENDMENTS.—(A) The heading of section 1515 of such Act is amended to read as follows:

**''SEC. 1515. CHIEF EXECUTIVE OFFICER.''.**

(B) The table of contents for such Act is amended by striking the item relating to section 1515 and inserting the following new item:

''Sec. 1515. Chief Executive Officer.''.

(4) REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Chief Operating Officer of the Armed Forces Retirement Home shall be considered to be a reference to the Chief Executive Officer of the Armed Forces Retirement Home.

(b) PHYSICIANS AND DENTISTS FOR EACH RETIREMENT HOME FACILITY.—Section 1513 of such Act (24 U.S.C. 413) is amended—

(1) in subsection (a), by striking ''subsection (b)'' and inserting ''subsections (b), (c), and (d)''; and

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

''(c) PHYSICIANS AND DENTISTS FOR EACH RETIREMENT HOME FACILITY.—(1) In providing for the health care needs of residents under subsection (c), the Retirement Home shall have in attendance at each facility of the Retirement Home, during the daily business hours of such facility, a physician and a dentist, each of whom shall have skills and experience suited to residents of such facility.

''(2) In providing for the health care needs of residents, the Retirement shall also have available to residents of each facility of the Retirement Home, on an on-call basis during hours other than the daily business hours of such facility, a physician and a dentist each of whom have skills and experience suited to residents of such facility.

''(3) In this subsection, the term 'daily business hours' means the hours between 9 o'clock ante meridian and 5 o'clock post meridian, local time, on each of Monday through Friday.''.

(c) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—Section 1513 of such Act is further amended—

(1) in the third sentence of subsection (b), by inserting '', except as provided in subsection (d),'' after ''shall not''; and

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

''(d) TRANSPORTATION TO MEDICAL CARE OUTSIDE RETIREMENT HOME FACILITIES.—The Retirement Home shall provide to any resident of a facility of the Retirement Home, upon request of such resident, transportation to any medical facility located not more than 30 miles from such facility for the provision of medical care to such resident. The Retirement Home may not collect a fee from a resident for transportation provided under this subsection.''.

(d) MILITARY DIRECTOR FOR EACH RETIREMENT HOME.—Section 1517(b)(1) of such Act (24 U.S.C. 417(b)(1)) is amended by striking ''a civilian with experience as a continuing care retirement community professional or''.

**Subtitle E—Other Matters**

**SEC. 651. PAYMENT OF EXPENSES OF MEMBERS OF THE ARMED FORCES TO OBTAIN PROFESSIONAL CREDENTIALS.**

(a) PAYMENT AUTHORIZED.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2007 the following new section:

**''§ 2007a. Payment of expenses of members of the armed forces to obtain professional credentials**

''(a) PAYMENT AUTHORIZED.—Except as provided in subsection (b), the Secretary of Defense may pay for—

''(1) expenses of members of the armed forces to obtain professional credentials, including expenses of professional accreditation, State-imposed and professional licenses, and professional certification; and

''(2) examinations to obtain such credentials.

''(b) EXCEPTION.—The authority in subsection (a) may not be exercised on behalf of any member of the armed forces for expenses to obtain the basic qualifications for membership in a profession or officer community.

''(c) FUNDS AVAILABLE.—Funds appropriated or otherwise made available to the Secretary of Defense may be used to pay expenses under subsection (a).''.

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

''2007a. Payment of expenses of members of the armed forces to obtain professional credentials.''.

**SEC. 652. PILOT PROGRAM ON CONTRIBUTIONS TO THRIFT SAVINGS PLAN FOR INITIAL ENLISTEES IN THE ARMED FORCES.**

(a) PILOT PROGRAM REQUIRED.—During fiscal year 2006, the Secretary of the Army shall carry out within the Army a pilot program in order to assess the extent to which contributions by the military departments to the Thrift Savings Fund on behalf of members of the Armed Forces described in subsection (b) would—

(1) assist the Armed Forces in recruiting efforts; and

(2) assist such members in establishing habits of financial responsibility during their initial enlistments in the Armed Forces.

(b) COVERED MEMBERS.—A member of the Armed Forces described in this subsection is a member of the Armed Forces who is serving in the Armed Forces under an initial enlistment for a period of not less than two years.

(c) CONTRIBUTIONS TO THRIFT SAVINGS FUND.—

(1) IN GENERAL.—The Secretary of the Army may make contributions to the Thrift Savings Fund on behalf of any participant in the pilot program under subsection (a) for any pay period during the period of the pilot program.

(2) LIMITATIONS.—The amount of any contributions made with respect to a member under paragraph (1) shall be subject to the provisions of section 8432(c) of title 5, United States Code.

(d) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program under subsection (a).

(2) ELEMENTS.—The report shall include the following:

(A) A description of the pilot program, including the number of members of the Army who participated in the pilot program and the contributions made by the Army to the Thrift Savings Fund on behalf of such members during the period of the pilot program.

(B) An assessment, based on the pilot program and taking into account the views of officers and senior enlisted personnel of the Army, and of field recruiters, of the extent to which contributions by the military departments to the Thrift Savings Fund on behalf of members of the Armed Forces similar to the participants in the pilot program—

(i) would enhance the recruiting efforts of the Armed Forces; and

(ii) would assist such members in establishing habits of financial responsibility during their initial enlistments in the Armed Forces.

**SEC. 653. MODIFICATION OF REQUIREMENT FOR CERTAIN INTERMEDIARIES UNDER CERTAIN AUTHORITIES RELATING TO ADOPTIONS.**

(a) REIMBURSEMENT FOR ADOPTION EXPENSES.—Section 1052(g)(1) of title 10, United States Code, is amended by inserting ''or other source authorized to place children for adoption under State or local law'' after ''qualified adoption agency''.

(b) TREATMENT AS CHILDREN FOR MEDICAL AND DENTAL CARE PURPOSES.—Section 1072(6)(D)(i) of such title is amended by inserting '', or by any other source authorized by State or local law to provide adoption placement,'' after ''(recognized by the Secretary of Defense)''.

**SEC. 654. EXTENSION OF EFFECTIVE DATE.**

Section 6 of the Higher Education Relief Opportunities for Students Act of 2003 (20 U.S.C. 1070 note) is amended by striking ''September 30, 2005'' and inserting ''September 30 2007''.

**TITLE VII—HEALTH CARE**

**Subtitle A—Benefits Matters**

**SEC. 701. CLARIFICATION OF ELIGIBILITY OF RESERVE OFFICERS FOR HEALTH CARE PENDING ACTIVE DUTY FOLLOWING ISSUANCE OF ORDERS TO ACTIVE DUTY.**

Section 1074(a)(2)(B)(iii) of title 10, United States Code, is amended by inserting before the semicolon the following: '', or the orders have been issued but the member has not entered on active duty''.

**SEC. 702. LIMITATION ON DEDUCTIBLE AND COPAYMENT REQUIREMENTS FOR NURSING HOME RESIDENTS UNDER THE PHARMACY BENEFITS PROGRAM.**

Section 1074g(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(C) In the case of a beneficiary who is a resident of a nursing home and who is required, by State law, to use nursing home pharmacy services utilizing pre-packaged pharmaceuticals, any deductible or copayment requirements for such pharmaceuticals under the cost sharing requirements may not exceed such deductible or copayment requirements as are applicable under the cost sharing requirements to a beneficiary who uses a network provider pharmacy under the pharmacy benefits program.''.

**SEC. 703. ELIGIBILITY OF SURVIVING ACTIVE DUTY SPOUSES OF DECEASED MEMBERS FOR ENROLLMENT AS DEPENDENTS IN A TRICARE DENTAL PLAN.**

Section 1076a(k)(2) of title 10, United States Code, is amended—

(1) by striking ''under subsection (f), or'' and inserting ''under subsection (f),''; and

(2) by inserting after ''is not enrolled because the dependent is a child under the minimum age for enrollment,'' the following: ''or is not enrolled because the dependent is a spouse who did not qualify for enrollment on the date of the member's death because the spouse was also on active duty for a period of more than 30 days on the date of the member's death,''.

**SEC. 704. INCREASED PERIOD OF CONTINUED TRICARE PRIME COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.**

(a) PERIOD OF ELIGIBILITY.—Section 1079(g) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(g)'';

(2) by striking the second sentence; and

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

''(2) In addition to any continuation of eligibility for benefits under paragraph (1), when a member dies while on active duty for a period of more than 30 days, the member's dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for benefits under TRICARE Prime during the three-year period beginning on the date of the member's death, except that, in the case of such a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

''(A) Three years.

''(B) The period ending on the date on which such dependent attains 21 years of age.

''(C) In the case of such a dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of such dependent's support, the period ending on the earlier of the following dates:

''(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.

''(ii) The date on which such dependent attains 23 years of age.

''(3) For the purposes of paragraph (2)(C), a dependent shall be treated as being enrolled in a full-time course of study in an institution of higher education during any reasonable period of transition between the dependent's completion of a full-time course of study in a secondary school and the commencement of an enrollment in a full-time course of study in an institution of higher education, as determined by the administering Secretary.

''(4) The terms and conditions under which health benefits are provided under this chapter to a dependent of a deceased member under paragraph (2) shall be the same as those that would apply to the dependent under this chapter if the member were living and serving on active duty for a period of more than 30 days.

''(5) In this subsection, the term 'TRICARE Prime' means the managed care option of the TRICARE program.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 7, 2001, and shall apply with respect to deaths occurring on or after that date.

**SEC. 705. EXPANDED ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE UNDER THE TRICARE PROGRAM.**

(a) GENERAL ELIGIBILITY.—Subsection (a) of section 1076d of title 10, United States Code, is amended—

(1) by striking ''(a) ELIGIBILITY.—A member'' and inserting ''(a) ELIGIBILITY.—(1) Except as provided in paragraph (2), a member'';

(2) by striking ''after the member completes'' and all that follows through ''one or more whole years following such date''; and

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

''(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.''.

(b) CONDITION FOR TERMINATION OF ELIGIBILITY.—Subsection (b) of such section is amended by striking ''(b) PERIOD OF COVERAGE.—(1) TRICARE Standard'' and all that follows through ''(3) Eligibility'' and inserting ''(b) TERMINATION OF ELIGIBILITY UPON TERMINATION OF SERVICE.—Eligibility''.

(c) CONFORMING AMENDMENTS.—

(1) Such section is further amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (g) as subsection (e) and transferring such subsection within such section so as to appear following subsection (d).

(2) The heading for such section is amended to read as follows:

**''§ 1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve''.**

(d) REPEAL OF OBSOLETE PROVISION.—Section 1076b of title 10, United States Code, is repealed.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of title 10, United States Code, is amended—

(1) by striking the item relating to section 1076b; and

(2) by striking the item relating to section 1076d and inserting the following:

''1076d. TRICARE program: TRICARE Standard coverage for members of the Selected Reserve.''.

(f) SAVINGS PROVISION.—Enrollments in TRICARE Standard that are in effect on the day before the date of the enactment of this Act under section 1076d of title 10, United States Code, as in effect on such day, shall be continued until terminated after such day under such section 1076d as amended by this section.

**Subtitle B—Planning, Programming, and Management**

**SEC. 711. TRICARE STANDARD COORDINATORS IN TRICARE REGIONAL OFFICES.**

(a) COORDINATOR IN EACH REGIONAL OFFICE.—

(1) IN GENERAL.—In each TRICARE Regional Office there shall be a position the responsibilities of which shall be the monitoring, oversight, and improvement of the TRICARE Standard option in the TRICARE region concerned.

(2) DESIGNATION.—The position under paragraph (1) in a TRICARE Regional Office shall be filled by an individual in such Regional Office designated for that purpose.

(b) DUTIES OF POSITION.—

(1) IN GENERAL.—The specific duties of the positions required under subsection (a) shall be as set forth in regulations prescribed by the Secretary of Defense, in consultation with the other administering Secretaries.

(2) ELEMENTS.—The duties shall include—

(A) identifying health care providers who will participate in the TRICARE program and provide the TRICARE Standard option under that program;

(B) communicating with beneficiaries who receive the TRICARE Standard option;

(C) outreach to community health care providers to encourage their participation in the TRICARE program; and

(D) publication of information that identifies health care providers in the TRICARE region concerned who provide the TRICARE Standard option.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the plans to implement the requirements of the section.

(d) DEFINITIONS.—In this section:

(1) The terms ''administering Secretaries'' and ''TRICARE program'' have the meaning given such terms in section 1072 of title 10, United States Code.

(2) The term ''TRICARE Standard'' means the Civilian Health and Medical Program of the Uniformed Services option under the TRICARE program.

**SEC. 712. REPORT ON DELIVERY OF HEALTH CARE BENEFITS THROUGH MILITARY HEALTH CARE SYSTEM.**

(a) REPORT REQUIRED.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the delivery of health care benefits through the military health care system.

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

(1) An analysis of the organization and costs of delivering health care benefits to current and retired members of the Armed Forces and their families.

(2) An analysis of the costs of ensuring medical readiness throughout the Armed Forces in support of national security objectives.

(3) An assessment of the role of health benefits in the recruitment and retention of members of the Armed Forces, whether in the regular components or the reserve components of the Armed Forces.

(4) An assessment of the experience of the military departments during fiscal years 2003, 2004, and 2005 in recruitment and retention of military and civilian medical and dental personnel, whether in the regular components or the reserve components of the Armed Forces, in light of military and civilian medical manpower requirements.

(5) A description of requirements for graduate medical education for military medical care providers and options for meeting such requirements, including civilian medical training programs.

(c) RECOMMENDATIONS.—In addition to the matters specified in subsection (b), the report under subsection (a) shall also include such recommendations for legislative or administrative action as the Secretary considers necessary to improve efficiency and quality in the provision of health care benefits through the military health care system, including recommendations on—

(1) the organization and delivery of health care benefits;

(2) mechanisms required to measure costs more accurately;

(3) mechanisms required to measure quality of care, and access to care, more accurately;

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

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

**SEC. 713. COMPTROLLER GENERAL REPORT ON DIFFERENTIAL PAYMENTS TO CHILDREN'S HOSPITALS FOR HEALTH CARE FOR CHILDREN DEPENDENTS UNDER TRICARE.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the effectiveness of the current system of differential payments to children's hospitals for health care services for severely ill dependent children of members of the uniformed services under the TRICARE program in achieving the objective of securing adequate health care services for such dependent children under that program.

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

(1) A description of the current participation of children's hospitals in the TRICARE program.

(2) An assessment of the current system of differential payments to children's hospitals for health care services described in that subsection, including an assessment of—

(A) the extent to which the calculation of such differential payments takes into account the complexity and extraordinary resources required for the provision of such health care services;

(B) the extent to which such differential payments provide appropriate compensation to such hospitals for the provision of such services; and

(C) any obstacles or challenges to the development of future modifications to the system of differential payments.

(3) An assessment of the adequacy of the access of dependent children described in that subsection to specialized hospital services for their illnesses under the TRICARE program.

(c) REPORTS.—Not later than May 1, 2006, the Comptroller General shall submit to the Secretary of Defense and the congressional defense committees a report on the study required by subsection (a), together with such recommendations, if any, as the Comptroller General considers appropriate for modifications of the current system of differential payments to children's hospitals in order to achieve the objective described in that subsection.

(d) TRANSMITTAL TO CONGRESS.—

(1) IN GENERAL.—Not later than November 1, 2006, the Secretary of Defense shall transmit to the congressional defense committees the report submitted by the Comptroller General to the Secretary under subsection (c).

(2) IMPLEMENTATION OF MODIFICATIONS.—If the report under paragraph (1) includes recommendations of the Comptroller General for modifications of the current system of differential payments to children's hospitals, the Secretary shall transmit with the report—

(A) a proposal for such legislative or administration action as may be required to implement such modifications; and

(B) an assessment and estimate of the costs associated with the implementation of such modifications.

(e) DEFINITIONS.—In this section:

(1) DIFFERENTIAL PAYMENTS TO CHILDREN'S HOSPITALS.—The term ''differential payments to children's hospitals'' means the additional amounts paid to children's hospitals under the TRICARE program for health care procedures for severely ill children in order to take into account the additional costs associated with such procedures for such children when compared with the costs associated with such procedures for adults and other children.

(2) TRICARE PROGRAM.—The term ''TRICARE program'' has the meaning given that term in section 1072(7) of title 10, United States Code.

**SEC. 714. REPEAL OF REQUIREMENT FOR COMPTROLLER GENERAL REVIEWS OF CERTAIN DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS PROJECTS ON SHARING OF HEALTH CARE RESOURCES.**

(a) JOINT INCENTIVES PROGRAM.—Section 8111(d) of title 38, United States Code, is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(b) HEALTH CARE RESOURCES SHARING AND COORDINATION PROJECT.—Section 722 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2595; 38 U.S.C. 8111 note) is amended—

(1) by striking subsection (h);

(2) by redesignating subsection (i) as subsection (h); and

(3) in paragraph (2) of subsection (h), as so redesignated, by striking ''based on recommendations'' and all that follows and inserting ''as determined by the Secretaries based on information available to the Secretaries to warrant such action.''.

**SEC. 715. SURVEYS ON TRICARE STANDARD.**

Section 723(a) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1532; 10 U.S.C. 1073 note) is amended by adding at the end the following new paragraph:

''(4) The surveys required by paragraph (1) shall include questions designed to determine from health care providers participating in such surveys whether such providers are aware of the TRICARE program, what percentage of the current patient population of such providers receive any benefit option under the TRICARE program, and whether such providers accept patients under the medicare program or new patients under the medicare program.''.

**SEC. 716. MODIFICATION OF HEALTH CARE QUALITY INFORMATION AND TECHNOLOGY ENHANCEMENT REPORT REQUIREMENTS.**

Section 723(e) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 1071 note) is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) Quality measures, including structure, process, and outcomes concerning—

''(A) patient safety;

''(B) timeliness and accessibility of care;

''(C) patient satisfaction; and

''(D) the use of evidence-based practices.

''(2) Population health.

''(3) Biosurveillance.''.

**SEC. 717. MODIFICATION OF AUTHORITIES RELATING TO PATIENT CARE REPORTING AND MANAGEMENT SYSTEM.**

(a) REPEAL OF REQUIREMENT TO LOCATE DEPARTMENT OF DEFENSE PATIENT SAFETY CENTER WITHIN ARMED FORCES INSTITUTE OF PATHOLOGY.—Subsection (c)(3) of section 754 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into lay by Public Law 106–398; 114 Stat. 1654A–196) is amended by striking ''within the Armed Forces Institute of Pathology''.

(b) RENAMING OF MEDTEAMS PROGRAM.—The caption of subsection (d) of such section is amended by striking ''MEDTEAMS'' and inserting ''MEDICAL TEAM TRAINING''.

**SEC. 718. QUALIFICATIONS FOR INDIVIDUALS SERVING AS TRICARE REGIONAL DIRECTORS.**

(a) QUALIFICATIONS.—Effective as of the date of the enactment of this Act, no individual may serve in the position of Regional Director under the TRICARE program unless the individual—

(1) is—

(A) an officer of the Armed Forces in a general or flag officer grade; or

(B) a civilian employee of the Department of Defense in the Senior Executive Service; and

(2) has at least 10 years of experience, or equivalent expertise or training, in the military health care system, managed care, and health care policy and administration.

(b) TRICARE PROGRAM DEFINED.—In this section, the term ''TRICARE program'' has the meaning given such term in section 1072(7) of title 10, United States Code.

## Subtitle C—Other Matters

**SEC. 731. REPORT ON ADVERSE HEALTH EVENTS ASSOCIATED WITH USE OF ANTI-MALARIAL DRUGS.**

(a) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study of adverse health events that may be associated with use of anti-malarial drugs, including mefloquine.

(2) PARTICIPATION OF CERTAIN RESEARCHERS.—The Secretary shall ensure the participation in the study of epidemiological and clinical researchers of the Federal Government outside the Department of Defense, and of epidemiological and clinical researchers outside the Federal Government.

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

(1) A comparison of adverse health events that may be associated with different anti-malarial drugs, including mefloquine.

(2) An analysis of the extent to which mefloquine may be a risk factor contributing to suicides among members of the Armed Forces.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a).

**SEC. 732. PILOT PROJECTS ON EARLY DIAGNOSIS AND TREATMENT OF POST TRAUMATIC STRESS DISORDER AND OTHER MENTAL HEALTH CONDITIONS.**

(a) PILOT PROJECTS REQUIRED.—The Secretary of Defense shall carry out not less than three pilot projects to evaluate the efficacy of various approaches to improving the capability of the military and civilian health care systems to provide early diagnosis and treatment of Post Traumatic Stress Disorder (PTSD) and other mental health conditions.

(b) PILOT PROJECT REQUIREMENTS.—

(1) MOBILIZATION–DEMOBILIZATION FACILITY.—

(A) IN GENERAL.—One of the pilot projects under subsection (a) shall be carried out at a military medical facility at a large military installation at which the mobilization or demobilization of members of the Armed Forces occurs.

(B) ELEMENTS.—The pilot project under this paragraph shall be designed to evaluate and produce effective diagnostic and treatment approaches for use by primary care providers in the military health care system in order to improve the capability of such providers to diagnose and treat Post Traumatic Stress Disorder in a manner that avoids the referral of patients to specialty care by a psychiatrist or other mental health professional.

(2) NATIONAL GUARD OR RESERVE FACILITY.—

(A) IN GENERAL.—One of the pilot projects under subsection (a) shall be carried out at the location of a National Guard or Reserve unit or units that are located more than 40 miles from a military medical facility and whose personnel are served primarily by civilian community health resources.

(B) ELEMENTS.—The pilot project under this paragraph shall be designed—

(i) to evaluate approaches for providing evidence-based clinical information on Post Traumatic Stress Disorder to civilian primary care providers; and

(ii) to develop educational materials and other tools for use by members of the National Guard or Reserve who come into contact with other members of the National Guard or Reserve who may suffer from Post Traumatic Stress Disorder in order to encourage and facilitate early reporting and referral for treatment.

(3) INTERNET-BASED DIAGNOSIS AND TREATMENT.—One of the pilot projects under subsection (a) shall be designed to evaluate—

(A) Internet-based automated tools available to military and civilian health care providers for the early diagnosis and treatment of Post Traumatic Stress Disorder, and for tracking patients who suffer from Post Traumatic Stress Disorder; and

(B) Internet-based tools available to family members of members of the Armed Forces in order to assist such family members in the identification of the emergence of Post Traumatic Stress Disorder.

(c) REPORT.—Not later than June 1, 2006, the Secretary shall submit to the congressional defense committees a report on the pilot projects to be carried out under this section. The report shall include a description of each such pilot project, including the location of the pilot projects under paragraphs (2) and (3) of subsection (b), and the scope and objectives of each such pilot project.

## TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

### Subtitle A—Acquisition Policy and Management

**SEC. 801. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE.**

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each non-defense agency of the Federal Government that procured property or services in excess of $100,000,000 on behalf of the Department of Defense during fiscal year 2005, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2006, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but made significant progress during 2005 toward ensuring compliance with defense procurement requirements; or

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii) or (iii) of subparagraph (B) of such paragraph is correct in the case of a non-defense agency, those Inspectors General shall, not later than March 15, 2007, jointly—

(A) conduct a second review, as described in paragraph (1)(A), regarding such non-defense agency's procurement of property or services on behalf of the Department of Defense in fiscal year 2006; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each non-defense agency referred to in subsection (a) shall enter into a memorandum of understanding with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate government-wide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraphs (1) and (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2006, and before March 16, 2007, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a non-defense agency for which a determination described in paragraph (1)(B)(iii) of subsection (a) has been made under that subsection.

(2) LIMITATION AFTER REVIEW PERIOD.—After March 15, 2007, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a particular non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary of Defense for Acquisition, Technology, and Logistics shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of that agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) INAPPLICABILITY TO CERTAIN GSA CONTRACTS.—This section does not apply as follows:

(1) To Client Support Centers of the Federal Technology Service of the General Services Administration, which are subject to review under section 802 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2004; 10 U.S.C. 2302).

(2) To any purchase through the multiple award schedules established by the Administrator of General Services, as described in section 2302(2)(C) of title 10, United States Code, unless such purchase is made through—

(A) a non-defense agency other than the General Services Administration; or

(B) a business unit of the General Services Administration that is not responsible for administering the multiple award schedules program.

(i) DEFINITIONS.—In this section:

(1) The term ''non-defense agency'' means a department or agency of the Federal Government outside the Department of Defense, except as excluded under subsection (h).

(2) The term ''governmentwide acquisition contract'', with respect to a non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

**SEC. 802. CONTRACT SUPPORT ACQUISITION CENTERS.**

(a) ESTABLISHMENT.—

(1) ORGANIZATION; DUTIES.—Subchapter I of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 197. Contract Support Acquisition Centers**

''(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish within the Defense Logistics Agency a Defense Contract Support Acquisition Center.

''(2) The Secretary of each military department shall establish a Contract Support Acquisition Center for that military department.

''(b) DIRECTOR.—(1) The Director of a Contract Support Acquisition Center is the head of the Center.

''(2)(A) The Secretary of Defense shall appoint the Director of the Defense Contract Support Acquisition Center.

''(B) The Secretary of a military department shall appoint the Director of the Contract Support Acquisition Center of that department.

''(3) The Director of a Contract Support Acquisition Center shall be selected from among commissioned officers of the armed forces on active duty and senior civilian officers and employees of the Department of Defense who have substantial experience in the acquisition of contract services.

''(c) DUTIES REGARDING ACQUISITIONS.—(1)(A) The Director of the Defense Contract Support Acquisition Center shall act as the executive agent within the Department of Defense for each acquisition of contract services in excess of the simplified acquisition threshold for the Department of Defense, other than an acquisition referred to in subparagraph (B).

''(B) The Director of the Contract Support Acquisition Center of a military department shall act as the executive agent within that military department for each acquisition of contract services in excess of the simplified acquisition threshold for such military department.

''(2) In carrying out paragraph (1), the Director of a Center shall—

''(A) develop and maintain policies, procedures, and best practices guidelines addressing the acquisition of contract services for the Secretary appointing the Director, including policies, procedures, and best practices guidelines for—

''(i) acquisition planning;

''(ii) solicitation and contract award;

''(iii) requirements development and management;

''(iv) contract tracking and oversight;

''(v) performance evaluation; and

''(vi) risk management;

''(B) assign responsibility for carrying out the acquisition of contract services to employees of the Center and other appropriate organizational elements under the jurisdiction of that Secretary;

''(C) dedicate fulltime commodity managers to coordinate the acquisition of key categories of services;

''(D) ensure that contract services being acquired to meet the Secretary's requirements for those services are acquired by means of a contract, or a task or delivery order, that—

''(i) is in the best interests of the Department of Defense or, in the case of the Director of the Center for a military department, the best interests of that military department; and

''(ii) is entered into or issued, and is managed, in compliance with applicable laws, regulations, and directives, and other applicable requirements;

''(E) ensure that competitive procedures and performance-based contracting are used to the maximum extent practicable for the acquisition of contract services for that Secretary; and

''(F) monitor data collection under section 2330a of this title and periodically conduct a spending analysis to ensure that funds expended for the acquisition of contract services for the Secretary are being expended in the most rational and economical manner practicable.

''(d) DUTIES REGARDING ACQUISITION PERSONNEL.—The Directors of the Contract Support Acquisition Centers shall work with appropriate officials of the Department of Defense—

''(1) to identify the critical skills and competencies needed to carry out the acquisition of contract services on behalf of the Department of Defense; and

''(2) to develop a comprehensive strategy for recruiting, training, and deploying employees to meet the requirements for those skills and competencies.

''(e) SCOPE OF AUTHORITY.—The authority of the Director of a Contract Support Acquisition Center under this section applies to acquisitions in excess of the simplified acquisition threshold.

''(f) EXCLUSIVITY OF AUTHORITY.—(1) After September 30, 2009, no officer or employee of the Federal Government outside the Defense Contract Support Acquisition Center may, without the prior written approval of the Director of the Center or the Secretary of Defense, engage in a procurement action for the acquisition of contract services for the Department of Defense that is valued in excess of the simplified acquisition threshold, other than a procurement action covered by paragraph (2).

''(2) After September 30, 2009, no officer or employee of the Federal Government outside the Contract Support Acquisition Center of a military department may, without the prior written approval of the Director of the Center, the Secretary of Defense, or the Secretary of that military department, engage in a procurement action for the acquisition of contract services for that military department that is valued in excess of the simplified acquisition threshold.

''(3) In this subsection, the term 'procurement action' includes the following actions:

''(A) Entry into a contract or any other form of agreement.

''(B) Issuance of a task order, delivery order, or military interdepartmental purchase request.

''(g) STAFF AND SUPPORT.—(1) The Secretary appointing the Director of a Contract Support Acquisition Center shall ensure that the Director of the Center is provided a staff and administrative support that are adequate for the Director to perform the duties of the position under this section effectively.

''(2) The Secretary of Defense may transfer to the Defense Contract Support Acquisition Center any personnel within the Department of Defense whose principal duty is the acquisition of contract services for the Department of Defense.

''(3) The Secretary of a military department may transfer to the Contract Support Acquisition Center of that military department any personnel within such military department whose principal duty is the acquisition of contract services for that military department.

''(h) TRANSFERS OF NONDEFENSE ORGANIZATIONS.—(1) Except as provided in paragraph (5), the Secretary of Defense may accept from the head of a department or agency outside the Department of Defense a transfer to any of the Contract Support Acquisition Centers of all or part of any organizational unit of such other department or agency that is primarily engaged in the acquisition of contract services if, during the most recent year for which data are available before such transfer, more than 50 percent of the contract services acquired by such organizational unit (determined on the basis of cost) were acquired on behalf of the Department of Defense.

''(2) The head of a department or agency outside the Department of Defense may transfer in accordance with this section an organizational unit that is authorized to be accepted under paragraph (1).

''(3) A transfer under this subsection may be made and accepted only pursuant to a memorandum of understanding that is entered into by the head of the department or agency making the transfer and the Secretary of Defense.

''(4) A transfer of an organizational unit under this section shall include the transfer of the personnel of such organizational unit, the assets of such organizational unit, and the contracts of such organizational unit, to the extent provided in the memorandum of understanding governing the transfer of the unit.

''(5) This section does not authorize a transfer of the multiple award schedule program of the General Services Administration described in section 2302(2)(C) of this title.

''(i) SIMPLIFIED ACQUISITION THRESHOLD.—In this section, the term 'simplified acquisition threshold' has the meaning given that term in section 2302(7) of this title.''.

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

''197. Contract Support Acquisition Centers.''.

(b) IMPLEMENTATION.—

(1) PHASED IMPLEMENTATION OF DIRECTOR'S AUTHORITY TO ACT AS EXECUTIVE AGENT.—Notwithstanding subsections (c)(1) and (e) of section 197 of title 10, United States Code (as added by subsection (a)), the authority of the Director of a Contract Support Acquisition Center to act under such section as executive agent for acquisitions of contract services before October 1, 2009, applies only with respect to—

(A) contracts in excess of $10,000,000 that are entered into after September 30, 2006, and before October 1, 2009; and

(B) any other acquisitions of contract services that, as designated by the Secretary who appointed the Director, are to be carried out for that Secretary by the Director.

(2) PROCUREMENT MANAGEMENT STRUCTURE.—The Secretary of Defense shall implement section 2330 of title 10, United States Code (relating to a management structure for the procurement of services for the Department of Defense), by designating each Director of the Contract Support Acquisition Center appointed under section 197 of such title (as added by subsection (a)) to act as executive agent for the management of the procurements of services carried out for the Secretary appointing such Director with respect to—

(A) all contracts in excess of $10,000,000 that are entered into after September 30, 2006, and before October 1, 2009; and

(B) all contracts in excess of the simplified acquisition threshold (as defined in section 2302(7) of such title) that are entered into after September 30, 2009.

(3) COMPLIANCE WITH CERTAIN PUBLIC LAW 108–375 REQUIREMENTS.—For compliance with the requirements of section 854 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2022, 10 U.S.C. 2304 note), the Secretary concerned shall designate the Director of the Contract Support Acquisition Center appointed by that Secretary to act as the executive agent of that Secretary to review and approve the use of a contract for the acquisition of contract services that—

(A) is entered into after September 30, 2006, by a department or agency outside the Department of Defense; and

(B) if entered into—

(i) before October 1, 2009, is valued in excess of $10,000,000; or

(ii) after September 30, 2009, is valued in excess of the simplified acquisition threshold (as defined in section 2302(7) of title 10, United States Code).

(4) SECRETARY CONCERNED DEFINED.—In paragraph (3), the term ''Secretary concerned'' means the head of an agency named in subsection (f)(1) of section 854 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2022; 10 U.S.C. 2304 note).

**SEC. 803. AUTHORITY TO ENTER INTO ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS NOT A MEMBER.**

(a) ACQUISITION AGREEMENTS.—Section 2341(1) of title 10, United States Code, is amended by striking ''of which the United States is a member''.

(b) CROSS-SERVICING AGREEMENTS.—Section 2342(a)(1)(C) of such title is amended by striking ''of which the United States is a member''.

(c) CONFORMING AMENDMENT.—Section 2344(b)(4) of such title is amended by striking ''of which the United States is a member''.

**SEC. 804. REQUIREMENT FOR AUTHORIZATION FOR PROCUREMENT OF MAJOR WEAPON SYSTEMS AS COMMERCIAL ITEMS.**

(a) REQUIREMENT FOR AUTHORIZATION.—

(1) IN GENERAL.—Chapter 140 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2379. Requirement for authorization for procurement of major weapon systems as commercial items**

''(a) REQUIREMENT FOR AUTHORIZATION.—A major weapon system of the Department of Defense may be treated as a commercial item, or purchased under procedures established for the procurement of commercial items, only if specifically authorized by Congress.

''(b) TREATMENT OF SUBSYSTEMS AND COMPONENTS AS COMMERCIAL ITEMS.—A subsystem or component of a major weapon system shall be treated as a commercial item and purchased under procedures established

for the procurement of commercial items if such subsystem or component otherwise meets the requirements for treatment as a commercial item.

''(c) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term 'major weapon system' means a weapon system acquired pursuant to a major defense acquisition program (as that term is defined in section 2430 of this title).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 140 of such title is amended by adding at the end the following new item:

''2379. Requirement for authorization for procurement of major weapon systems as commercial items.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to contracts entered on or after such date.

**SEC. 805. REPORT ON SERVICE SURCHARGES FOR PURCHASES MADE FOR MILITARY DEPARTMENTS THROUGH OTHER DEPARTMENT OF DEFENSE AGENCIES.**

(a) REPORTS BY MILITARY DEPARTMENTS.—For each of fiscal years 2005 and 2006, the Secretary of each military department shall, not later than 60 days after the last day of that fiscal year, submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report on the service charges imposed on such military department for purchases in amounts greater than the simplified acquisition threshold that were made for that military department during such fiscal year through a contract entered into by an agency of the Department of Defense other than that military department. The report shall specify the amounts of the service charges and identify the services provided in exchange for such charges.

(b) ANALYSIS OF MILITARY DEPARTMENT REPORTS.—Not later than 90 days after receiving a report of the Secretary of a military department for a fiscal year under subsection (a), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the service charges delineated in such report for the acquisitions covered by the report and the services provided in exchange for such charges and shall compare those charges with the costs of the alternative means for making such acquisitions. The analysis shall include the Under Secretary's determinations of whether the imposition and amounts of the service charges were reasonable.

(c) REPORT TO CONGRESS.—Not later than April 1, 2006 (for reports for fiscal year 2005 under subsection (a)), and not later than April 1, 2007 (for reports for fiscal year 2006 under subsection (a)), the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the reports submitted by the Secretaries of the military departments under subsection (a), together with the Under Secretary's determinations under subsection (b) with regard to the matters set forth in those reports.

(d) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this section, the term ''simplified acquisition threshold'' has the meaning given such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

**SEC. 806. REVIEW OF DEFENSE ACQUISITION STRUCTURES.**

(a) REVIEW BY DEFENSE ACQUISITION UNIVERSITY.—The Defense Acquisition University, acting under the direction and authority of the Under Secretary of Defense for Acquisition, Technology, and Logistics, shall conduct a review of the acquisition structure of the Department of Defense, including the acquisition structure of the following:

(1) Each military department.

(2) Each defense agency.

(3) Any other element of the Department of Defense that has an acquisition function.

(b) ELEMENTS.—

(1) IN GENERAL.—In reviewing the acquisition structure of an organization under subsection (a), the Defense Acquisition University shall—

(A) determine the current structure of the organization;

(B) review the evolution of the current structure of the organization, including the reasons for each reorganization of the structure, and identify any acquisition structures or capabilities that have been divested from the organization during the last 15 years;

(C) identify the capabilities needed by the organization to fulfill its function and assess the capacity of the organization, as currently structured, to provide such capabilities; and

(D) identify any gaps, shortfalls, or inadequacies relating to acquisitions in the current structure of the organization.

(2) EMPHASIS IN REVIEW.—In conducting the review of acquisition structures under subsection (a), the University shall place special emphasis on consideration of—

(A) structures and processes for joint acquisition, including actions that may be needed to improve such structures and processes; and

(B) actions that may be needed to improve acquisition outcomes.

(c) PRIORITY ON COMPLETION OF REVIEW OF ACQUISITION STRUCTURE OF DEPARTMENT OF AIR FORCE.—In conducting the review of acquisition structures under subsection (a), the Defense Acquisition University shall give a priority to a review of the acquisition structure of the Department of the Air Force.

(d) FUNDING.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide the Defense Acquisition University the funds required to conduct the review under subsection (a).

(e) REPORTS.—

(1) INTERIM REPORT ON STRUCTURE OF DEPARTMENT OF AIR FORCE.—Not later than one year after the date of the enactment of this Act, the Defense Acquisition University shall submit to the congressional defense committees an interim report addressing the acquisition structure of the Department of the Air Force.

(2) FINAL REPORT ON REVIEW.—Not later than 180 days after the completion of the review required by subsection (a), the University shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report on the review. The report shall include a separate annex on the acquisition structure on each organization covered by the review, which annex—

(A) shall address the matters specified under subsection (b) with respect to such organization; and

(B) may include such recommendations with respect to such organization as the University considers appropriate.

(3) TRANSMITTAL OF FINAL REPORT.—Not later than 90 days after the receipt of the report under paragraph (2), the Under Secretary shall transmit to the congressional defense committees a copy of the report, together with the comments of the Under Secretary on the report.

(f) DEFENSE ACQUISITION UNIVERSITY DEFINED.—In this section, the term ''Defense Acquisition University'' means the Defense Acquisition University established pursuant to section 1746 of title 10, United States Code.

**Subtitle B—Defense Industrial Base Matters**

**SEC. 811. CLARIFICATION OF EXCEPTION FROM BUY AMERICAN REQUIREMENTS FOR PROCUREMENT OF PERISHABLE FOOD FOR ESTABLISHMENTS OUTSIDE THE UNITED STATES.**

Section 2533a(d)(3) of title 10, United States Code, is amended by inserting '', or for,'' after ''perishable foods by''.

**SEC. 812. CONDITIONAL WAIVER OF DOMESTIC SOURCE OR CONTENT REQUIREMENTS FOR CERTAIN COUNTRIES WITH RECIPROCAL DEFENSE PROCUREMENT AGREEMENTS WITH THE UNITED STATES.**

(a) AUTHORITY FOR ANNUAL WAIVER.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2539c. Domestic source or content requirements: one-year waiver for certain countries with reciprocal defense procurement agreements with the United States**

''(a) WAIVER AUTHORITY.—Subject to subsection (g), upon making a determination under subsection (b) that a foreign country described by that subsection has not qualitatively or quantitatively increased exports of defense items, as determined by the Secretary of Defense for purposes of this section, to the People's Republic of China during the fiscal year in which such determination is made, the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (c) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured in such foreign country during the fiscal year following the fiscal year in which such determination is made.

''(b) ANNUAL DETERMINATIONS.—Not later than September 30 each fiscal year, the Secretary of Defense may determine whether or not a foreign country with which the United States had in force during such fiscal year a reciprocal defense procurement memorandum of understanding or agreement qualitatively or quantitatively increased exports of defense items to the People's Republic of China during such fiscal year. Each such determination shall be in writing.

''(c) COVERED REQUIREMENTS.—For purposes of this section:

''(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

''(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

''(d) EFFECTIVE PERIOD OF WAIVER.—Any waiver of the application of any domestic source requirement or domestic content with respect to a foreign country under subsection (a) shall be effective only for the fiscal year following the fiscal year in which is made the determination on which such waiver is based.

''(e) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(f) CONSULTATIONS.—The Secretary of Defense may grant a waiver of the application

of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

''(g) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

''(1) The Small Business Act (15 U.S.C. 631 et seq.).

''(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

''(3) Section 2533a of this title.

''(4) Sections 7309 and 7310 of this title.

''(h) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

''(i) CLARIFICATION OF RELATIONSHIP WITH BUY AMERICAN ACT.—Nothing in this section shall be construed to alter in any way the applicability of the Buy American Act (41 U.S.C. 10a), or the authority of the Secretary of Defense to waive the requirements of such Act, with respect to the procurement of any item to which such Act would apply without regard to this section.

''(j) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment of such law.''.

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

''2539c. Domestic source or content requirements: one-year waiver for certain countries with reciprocal defense procurement agreements with the United States.''.

**SEC. 813. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.**

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

**SEC. 814. IDENTIFICATION OF AREAS OF RESEARCH AND DEVELOPMENT EFFORT FOR PURPOSES OF SMALL BUSINESS INNOVATION RESEARCH PROGRAM.**

(a) REVISION AND UPDATE OF CRITERIA AND PROCEDURES OF IDENTIFICATION.—The Secretary of Defense shall, not less often than once every four years, revise and update the criteria and procedures utilized to identify areas of the research and development effort of the Department of Defense which are suitable for the provision of funds under the Small Business Innovation Research Program.

(b) UTILIZATION OF PLANS.—The criteria and procedures described in subsection (a) shall be developed through the use of the most current versions of the following plans:

(1) 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).

(2) The Defense Technology Area Plan of the Department of Defense.

(3) The Basic Research Plan of the Department of Defense.

(c) INPUT IN IDENTIFICATION OF AREAS OF EFFORT.—The criteria and procedures described in subsection (a) shall include input in the identification of areas of research and development effort described in that subsection from Department of Defense program managers (PMs) and program executive officers (PEOs).

(d) IDENTIFICATION OF RESEARCH PROGRAMS FOR ACCELERATED TRANSITION TO ACQUISITION PROCESS.—

(1) IN GENERAL.—The Secretary of each military department shall identify research programs that have successfully completed Phase II of the Small Business Innovation Research Program and that have the potential for rapid transitioning to Phase III and into the acquisition process.

(2) LIMITATION.—No research program may be identified under paragraph (1) 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.

(3) REPORT.—The Secretary shall submit to the congressional defense committees a report setting forth the research programs identified under paragraph (1). The report shall include a description of the requirements intended to be met by each program identified in the report.

(e) SMALL BUSINESS INNOVATION RESEARCH PROGRAM DEFINED.—In this section, the term ''Small Business Innovation Research Program'' has the meaning given that term in section 2500(11) of title 10, United States Code.

## Subtitle C—Defense Contractor Matters

**SEC. 821. REQUIREMENTS FOR DEFENSE CONTRACTORS RELATING TO CERTAIN FORMER DEPARTMENT OF DEFENSE OFFICIALS.**

(a) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2410p. Defense contractors: requirements concerning former Department of Defense officials**

''(a) IN GENERAL.—Each contract for the procurement of goods or services in excess of $10,000,000, other than a contract for the procurement of commercial items, that is entered into by the Department of Defense shall include a provision under which the contractor agrees to submit to the Secretary of Defense, not later than April 1 of each year such contract is in effect, a written report setting forth the information required by subsection (b).

''(b) REPORT INFORMATION.—A report by a contractor under subsection (a) shall—

''(1) list the name of each person who—

''(A) is a former officer or employee of the Department of Defense or a former or retired member of the armed forces; and

''(B) during the preceding calendar year was provided compensation by the contractor, if such compensation was first provided by the contractor—

''(i) not more than two years after such officer, employee, or member left service in the Department of Defense; and

''(ii) not more than two years before the date on which the report is required to be submitted; and

''(2) in the case of each person listed under paragraph (1)—

''(A) identify the agency in which such person was employed or served on active duty during the last two years of such person's service with the Department of Defense;

''(B) state such person's job title and identify each major defense system, if any, on which such person performed any work with the Department of Defense during the last two years of such person's service with the Department; and

''(C) state such person's current job title with the contractor and identify each major defense system on which such person has performed any work on behalf of the contractor.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

''2410p. Defense contractors: requirements concerning former Department of Defense officials.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contracts entered into on or after that date.

**SEC. 822. REVIEW OF CERTAIN CONTRACTOR ETHICS MATTERS.**

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Director of the Office of Government Ethics and the Administrator for Federal Procurement Policy, conduct a review of the ethics considerations raised by the following:

(1) The performance by contractor employees of functions closely associated with inherently governmental functions.

(2) The performance by contractor employees of other functions historically performed by Government employees in the Federal workplace.

(b) OPTIONS TO BE ADDRESSED.—The review under subsection (a) shall include the consideration of a broad range of options for addressing the ethics considerations described in that subsection, including—

(1) amending the Federal Acquisition Regulation to address ethics and personal conflict of interest concerns for contractor employees;

(2) implementing the Federal Acquisition Regulation, as so amended, through the incorporation of appropriate provisions in Federal agency contracts and in the solicitations for such contracts;

(3) requiring such contracts and solicitations to state that contractor employees will be bound by certain ethics standards, whether contractor-imposed or Government-imposed;

(4) encouraging Federal agency personnel to consider including provisions in contracts and solicitations that address conflict of interest issues and require contractor personnel to receive training on Government ethics rules; and

(5) continuing to identify and mitigate conflicts and ethics concerns involving contractor personnel on a case-by-case basis.

(c) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the findings and recommendations of the Secretary as a result of the review under subsection (a) and the consideration of options under subsection (b).

(2) ADDITIONAL VIEWS.—The report under paragraph (1) shall set forth the views, if any, of the Director of the Office of Government Ethics and the Administrator for Federal Procurement Policy on the matters covered by the report.

(d) FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this section, the term ''functions closely associated with inherently governmental functions'' has the meaning given such term in section 2383(b)(3) of title 10, United States Code.

**SEC. 823. CONTRACT FRAUD RISK ASSESSMENT.**

(a) RISK ASSESSMENT TEAM.—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall establish a risk assessment team to assess the

vulnerability of Department of Defense contracts to fraud, waste, and abuse.

(2) The risk assessment team shall be chaired by the Inspector General of the Department of Defense and shall include representatives of the Defense Logistics Agency, the Defense Contract Management Agency, the Defense Contract Audit Agency, the Army, the Navy, and the Air Force.

(3) The risk assessment team shall—

(A) review the contracting systems and internal controls of the Department of Defense and the systems and controls of prime contractors of the Department of Defense to identify areas of vulnerability of Department of Defense contracts to fraud, waste, and abuse; and

(B) prepare a report on the results of its review.

(4) Not later than six months after the date of the enactment of this Act, the chairman of the risk assessment team shall submit the report prepared under paragraph (3)(B) to the Secretary of Defense and the congressional defense committees.

(b) COMPTROLLER GENERAL REVIEW.—(1) Not later than 60 days after the date on which the report of the risk assessment team is submitted under subsection (a)(4), the Comptroller General of the United States shall—

(A) review the methodology used by the risk assessment team and the results of the team's review; and

(B) submit a report on the Comptroller General's review to the congressional defense committees.

(2) The report under paragraph (1)(B) shall include the Comptroller General's findings and any recommendations that the Comptroller considers appropriate.

(c) ACTION PLAN.—Not later than three months after receiving the report of the risk assessment team under subsection (a)(4), the Secretary of Defense shall develop and submit to the congressional defense committees a plan of actions for addressing the areas of vulnerability identified in the report. If the Secretary determines that no action is necessary with regard to an area of vulnerability, the report shall include a discussion of the rationale for that determination.

## Subtitle D—Defense Acquisition Workforce Matters

### SEC. 831. AVAILABILITY OF FUNDS IN ACQUISITION WORKFORCE TRAINING FUND FOR DEFENSE ACQUISITION WORKFORCE IMPROVEMENTS.

(a) AVAILABILITY OF DEPARTMENT OF DEFENSE CONTRACT FEES FOR DEFENSE ACQUISITION UNIVERSITY.—Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433) is amended—

(1) in subsection (a), by striking ''This section'' and inserting ''Except as otherwise provided, this section''; and

(2) in subsection (h)(3)—

(A) in subparagraph (B), by striking ''(other than the Department of Defense)'' in the first sentence;

(B) by redesignating subparagraphs (D), (E), (F), and (G) as subparagraphs (E), (F), (G), and (H), respectively;

(C) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) The Administrator of General Services shall credit to the Defense Acquisition University fees collected in accordance with subparagraph (B) from the Department of Defense. Amounts so credited shall be used to develop and expand training for the defense acquisition workforce.''; and

(D) in subparagraph (E), as so redesignated, by striking ''the purpose specified in subparagraph (A)'' and inserting ''the purposes specified in subparagraphs (A) and (D)''.

(b) CONFORMING AMENDMENT.—Section 1412 of the National Defense Authorization Act for Fiscal year 2004 (Public Law 108–136; 117 Stat. 1664; 41 U.S.C. 433 note) is amended by striking subsection (c).

### SEC. 832. LIMITATION AND REINVESTMENT AUTHORITY RELATING TO REDUCTION OF THE DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) LIMITATION.—Notwithstanding any other provision of law, the defense acquisition and support workforce may not be reduced, during fiscal years 2006, 2007, and 2008, below the level of that workforce as of September 30, 2004, determined on the basis of full-time employee equivalence, except as may be necessary to strengthen the defense acquisition and support workforce in higher priority positions in accordance with this section.

(b) INCREASE AND REALIGNMENT OF WORKFORCE.—(1)(A) During fiscal years 2006, 2007, and 2008, the Secretary of Defense shall increase the number of persons employed in the defense acquisition and support workforce as follows:

(i) During fiscal year 2006, to 105 percent of the baseline number (as defined in subparagraph (B)).

(ii) During fiscal year 2007, to 110 percent of the baseline number.

(iii) During fiscal year 2008, to 115 percent of the baseline number.

(B) In this paragraph, the term ''baseline number'', with respect to persons employed in the defense acquisition and support workforce, means the number of persons employed in such workforce as of September 30, 2004 (determined on the basis of full-time employee equivalence).

(C) The Secretary of Defense may waive a requirement in subparagraph (A) and, subject to subsection (a), employ in the defense acquisition and support workforce a lesser number of employees if the Secretary determines and certifies to the congressional defense committees that the cost of increasing such workforce to the larger size as required under that subparagraph would exceed the savings to be derived from the additional oversight that would be achieved by having a defense acquisition and support workforce of such larger size.

(2) During fiscal years 2006, 2007, and 2008, the Secretary of Defense may realign any part of the defense acquisition and support workforce to support reinvestment in other, higher priority positions in such workforce.

(c) HIGHER PRIORITY POSITIONS.—For the purposes of this section, higher priority positions in the defense acquisition and support workforce include the following positions:

(1) Positions the responsibilities of which include system engineering.

(2) Positions the responsibilities of which include drafting performance-based work statements for services contracts and overseeing the performance of contracts awarded pursuant to such work statements.

(3) Positions the responsibilities of which include conducting spending analyses, negotiating company-wide pricing agreements, and taking other measures to reduce contract costs.

(4) Positions the responsibilities of which include reviewing contractor quality control systems, assessing and analyzing quality deficiency reports, and taking other measures to improve product quality.

(5) Positions the responsibilities of which include effectively conducting public-private competitions in accordance with Office of Management and Budget Circular A–76.

(6) Any other positions in the defense acquisition and support workforce that the Secretary of Defense identifies as being higher priority positions that are staffed at levels not likely to ensure efficient and effective performance of all of the responsibilities of those positions.

(d) STRATEGIC ASSESSMENT AND PLAN.—(1) The Secretary of Defense shall—

(A) assess the extent to which the Department of Defense can recruit, retain, train, and provide professional development opportunities for acquisition professionals over the 10-fiscal year period beginning with fiscal year 2006; and

(B) develop a human resources strategic plan for the defense acquisition and support workforce that includes objectives and planned actions for improving the management of such workforce.

(2) The Secretary shall submit to Congress, not later than April 1, 2006, a report on the progress made in—

(A) completing the assessment required under paragraph (1); and

(B) completing and implementing the strategic plan required under such paragraph.

(e) DEFENSE ACQUISITION AND SUPPORT WORKFORCE DEFINED.—In this section, the term ''defense acquisition and support workforce'' means members of the Armed Forces and civilian personnel who are assigned to, or are employed in, an organization of the Department of Defense that has acquisition as its predominant mission, as determined by the Secretary of Defense.

### SEC. 833. TECHNICAL AMENDMENTS RELATING TO DEFENSE ACQUISITION WORKFORCE IMPROVEMENTS.

Section 1732 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by striking ''(b)(2)(A) and (b)(2)(B)'' each place it appears in paragraphs (1) and (2) and inserting ''(b)(1)(A) and (b)(1)(B)''; and

(B) by striking paragraph (3); and

(2) in subsection (d)(2), by striking ''(b)(2)A)(ii)'' and inserting ''(b)(1)(A)(ii)''.

## Subtitle E—Other Matters

### SEC. 841. EXTENSION OF CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESS AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

Section 2323(k) of title 10, United States Code, is amended by striking ''2006'' both places it appears and inserting ''2009''.

### SEC. 842. CODIFICATION AND MODIFICATION OF LIMITATION ON MODIFICATION OF MILITARY EQUIPMENT WITHIN FIVE YEARS OF RETIREMENT OR DISPOSAL.

(a) CODIFICATION AND MODIFICATION OF LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, as amended by section 821(a)(1) of this Act, is further amended by adding at the end the following new section:

**''§ 2410q. Modification of equipment within five years of retirement or disposal**

''(a) IN GENERAL.—Except as provided in subsection (b), a military department may not modify an aircraft, vessel, weapon, or other item of equipment if the military department plans to retire or otherwise dispose of such equipment within 5 years of the date of the completion of such modification.

''(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to any modification as follows:

''(1) A modification for safety purposes.

''(2) Any other modification but only if the aggregate cost of all such modifications for the aircraft, vessel, weapon, or other item of equipment concerned during any fiscal year, including any procurement, installation, or removal costs, is less than $100,000.

''(c) WAIVER.—The Secretary of a military department may waive the prohibition in subsection (a) with respect to a modification referred to in that subsection if such Secretary—

''(1) determines that the waiver is in the national security interests of the United States; and

''(2) notifies the congressional defense committees of such determination in writing.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 821(a)(2) of this Act, is further amended by adding at the end the following new item:

''2410q. Modification of equipment within five years of retirement or disposal.''.

(b) REPEAL OF SUPERSEDED LIMITATION.—Section 8053 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56; 111 Stat. 1232; 10 U.S.C. 2241 note) is repealed.

**SEC. 843. CLARIFICATION OF RAPID ACQUISITION AUTHORITY TO RESPOND TO COMBAT EMERGENCIES.**

(a) SCOPE OF AUTHORITY.—Subsection (c) of section 806 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (10 U.S.C. 2302 note) is amended—

(1) by striking ''combat capability'' each place it appears; and

(2) by striking ''fatalities'' each place it appears and inserting ''casualties''.

(b) DELEGATION OF AUTHORITY.—Such subsection is further amended in paragraph (1) by inserting ''below the Deputy Secretary of Defense'' after ''delegation''.

(c) WAIVER AUTHORITY.—Subsection (d)(1) of such section is further amended—

(1) in subparagraph (B), by striking ''or'';

(2) in subparagraph (C), by striking the period and inserting ''; or''; and

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

''(D) domestic source or content restrictions that would inhibit or impede the rapid acquisition of the equipment.''.

**SEC. 844. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.**

Section 845 of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended—

(1) in subsection (a)—

(A) by striking ''The Director'' and inserting ''(1) Subject to paragraph (2), the Director''; and

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

''(2) The authority of this section—

''(A) does not extend to any prototype project that is expected to cost in excess of $100,000,000; and

''(B) may be exercised for a prototype project that is expected to cost in excess of $20,000,000 only upon a written determination by the senior procurement executive for the agency (as designated for the purpose of section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c)) that—

''(i) the requirements of subsection (d) will be met; and

''(ii) the use of a standard contact, grant, or cooperative agreement for such project is not feasible or appropriate.'';

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

''(h) APPLICABILITY OF PROCUREMENT ETHICS REQUIREMENTS.—An agreement entered into under the authority of this section shall be treated as a Federal agency procurement for the purposes of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423).''.

**SEC. 845. EXTENSION OF CERTAIN AUTHORITIES ON CONTRACTING WITH EMPLOYERS OF PERSONS WITH DISABILITIES.**

Section 853 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2021) is amended by striking ''September 30, 2005'' in subsections (a)(2)(A) and (b)(2)(A) and inserting ''September 30, 2006''.

**SEC. 846. INCREASED LIMIT APPLICABLE TO ASSISTANCE PROVIDED UNDER CERTAIN PROCUREMENT TECHNICAL ASSISTANCE PROGRAMS.**

Section 2414(a)(2) of title 10, United States Code, is amended by striking ''$150,000'' and inserting ''$300,000''.

**SEC. 847. PILOT PROGRAM ON EXPANDED PUBLIC-PRIVATE PARTNERSHIPS FOR RESEARCH AND DEVELOPMENT.**

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to authorize the organizations referred to in subsection (b) to enter into cooperative research and development agreements under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) in order to assess the benefits of such agreements for such organizations and for the Department of Defense as a whole.

(b) COVERED ORGANIZATIONS.—The organizations referred to in this subsection are as follows:

(1) The National Defense University.

(2) The Defense Acquisition University.

(3) The Joint Forces Command.

(4) The United States Transportation Command.

(c) LIMITATION.—No agreement may be entered into, or continue in force, under the pilot program under subsection (a) after September 30, 2009.

(d) REPORT.—Not later than February 1, 2009, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a). The report shall include—

(1) a description of any agreements entered into under the pilot program; and

(2) the assessment of the Secretary of the benefits of the agreements entered into under the pilot program for the organizations referred to in subsection (b) and for the Department of Defense as a whole.

## TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

### Subtitle A—Duties and Functions of Department of Defense Officers and Organizations

**SEC. 901. DIRECTORS OF SMALL BUSINESS PROGRAMS.**

(a) REDESIGNATION OF EXISTING POSITIONS AND OFFICES.—(1) Each of the following positions within the Department of Defense is redesignated as the Director of Small Business Programs:

(A) The Director of Small and Disadvantaged Business Utilization of the Department of Defense.

(B) The Director of Small and Disadvantaged Business Utilization of the Department of the Army.

(C) The Director of Small and Disadvantaged Business Utilization of the Department of the Navy.

(D) The Director of Small and Disadvantaged Business Utilization of the Department of the Air Force.

(2) Each of the following offices within the Department of Defense is redesignated as the Office of Small Business Programs:

(A) The Office of Small and Disadvantaged Business Utilization of the Department of Defense.

(B) The Office of Small and Disadvantaged Business Utilization of the Department of the Army.

(C) The Office of Small and Disadvantaged Business Utilization of the Department of the Navy.

(D) The Office of Small and Disadvantaged Business Utilization of the Department of the Air Force.

(3) Any reference in any law, regulation, document, paper, or other record of the United States to a position or office redesignated by paragraph (1) or (2) shall be deemed to be a reference to the position or office as so redesignated.

(b) DEPARTMENT OF DEFENSE POSITION AND OFFICE.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 133b the following new section:

**''§ 133c. Director of Small Business Programs**

''(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of Defense. The Director is appointed by the Secretary of Defense.

''(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of Defense is the office that is established within the Office of the Secretary of Defense under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

''(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of Defense, and shall exercise such powers regarding those programs, as the Secretary of Defense may prescribe.

''(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 133b the following new item:

''133c. Director of Small Business Programs.''.

(c) DEPARTMENT OF THE ARMY POSITION AND OFFICE.—(1) Chapter 303 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 3024. Director of Small Business Programs**

''(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Army. The Director is appointed by the Secretary of the Army.

''(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Army is the office that is established within the Department of the Army under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

''(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Army, and shall exercise such powers regarding those programs, as the Secretary of the Army may prescribe.

''(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''3024. Director of Small Business Programs.''.

(d) DEPARTMENT OF THE NAVY POSITION AND OFFICE.—(1) Chapter 503 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 5028. Director of Small Business Programs**

''(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Navy. The Director is appointed by the Secretary of the Navy.

''(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Navy is the office that is established within the Department of the Navy under section 15(k) of the

Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

''(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Navy, and shall exercise such powers regarding those programs, as the Secretary of the Navy may prescribe.

''(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''5028. Director of Small Business Programs.''.

(d) DEPARTMENT OF THE AIR FORCE POSITION AND OFFICE.—(1) Chapter 803 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 8024. Director of Small Business Programs**

''(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Air Force. The Director is appointed by the Secretary of the Air Force.

''(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Air Force is the office that is established within the Department of the Air Force under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

''(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Air Force, and shall exercise such powers regarding those programs, as the Secretary of the Air Force may prescribe.

''(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''8024. Director of Small Business Programs.''.

**SEC. 902. EXECUTIVE AGENT FOR ACQUISITION OF CAPABILITIES TO DEFEND THE HOMELAND AGAINST CRUISE MISSILES AND OTHER LOW-ALTITUDE AIRCRAFT.**

(a) DESIGNATION OF EXECUTIVE AGENT.—The Secretary of Defense shall designate an official within the Department of Defense to act as executive agent to manage the acquisition of capabilities necessary to defend the homeland against cruise missiles, unmanned aerial vehicles, and other low altitude aircraft that may be launched against the United States.

(b) COORDINATION OF ACTIVITIES.—The official designated as executive agent under subsection (a) shall, in order to promote commonality and limit duplication of effort, coordinate in the acquisition of capabilities described in that subsection with appropriate officials of the following:

(1) The Missile Defense Agency.

(2) The Joint Theater Air and Missile Defense Organization.

(3) The United States Northern Command.

(4) The United States Strategic Command.

(5) Such other elements of the Department of Defense, and of other departments and agencies of the United States Government, as the Secretary considers appropriate for purposes of this section.

(c) PLAN FOR DEFENSE AGAINST ATTACK.—

(1) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the defense of the United States against cruise missiles, unmanned aerial vehicles, and other low altitude aircraft that may be launched against the United States.

(2) FOCUS OF PLAN.—In developing the plan, the Secretary shall focus on the role of Department of Defense components in the defense of the United States against an attack described in paragraph (1), but shall also address the role, if any, of other departments and agencies of the United States Government in that defense.

(3) ELEMENTS.—The plan shall include the following:

(A) An identification of the capabilities required by the Department of Defense in order to fulfill its mission to defend the homeland against cruise missiles, unmanned aerial vehicles, and other low altitude aircraft, and an identification of any current shortfalls in such capabilities.

(B) A schedule for implementing the plan.

(C) A statement of the funding required to implement the Department of Defense portion of the plan.

(D) An identification of the roles and missions, if any, of other departments and agencies of the United States Government in contributing to the defense of the United States against attack described in subparagraph (A).

(4) SCOPE OF PLAN.—The plan shall be coordinated with Department of Defense plans for defending the United States against attack by short-range to medium-range ballistic missiles.

**SEC. 903. PROVISION OF AUDIOVISUAL SUPPORT SERVICES BY THE WHITE HOUSE COMMUNICATIONS AGENCY.**

(a) PROVISION ON NONREIMBURSABLE BASIS.—Section 912 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2623; 10 U.S.C. 111 note) is amended—

(1) in subsection (a)—

(A) in the subsection caption, by inserting ''AND AUDIOVISUAL SUPPORT SERVICES'' after ''TELECOMMUNICATIONS SUPPORT''; and

(B) by inserting ''and audiovisual support services'' after ''provision of telecommunications support''; and

(2) in subsection (b), by inserting ''and audiovisual'' after ''other than telecommunications''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to the provision of audiovisual support services by the White House Communications Agency in fiscal years beginning on or after that date.

**Subtitle B—Space Activities**

**SEC. 911. ADVISORY COMMITTEE ON DEPARTMENT OF DEFENSE REQUIREMENTS FOR SPACE CONTROL.**

(a) ADVISORY COMMITTEE REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall provide for an advisory committee to review and assess Department of Defense requirements for space control.

(2) NEW OR EXISTING ADVISORY COMMITTEE.—The Secretary may carry out paragraph (1) through the establishment of a new advisory committee, or the utilization of a current advisory committee, meeting the requirements of subsection (b)(1).

(b) MEMBERSHIP AND ADMINISTRATION OF ADVISORY COMMITTEE.—

(1) MEMBERSHIP.—The advisory committee under subsection (a) shall consist of individuals from among officers and employees of the Federal Government, and private citizens of the United States, with knowledge and expertise in national security space policy.

(2) ADMINISTRATION.—The Secretary shall establish appropriate procedures for the administration of the advisory committee for purposes of this section, including designation of the chairman of the advisory committee from among its members.

(3) SECURITY CLEARANCES.—All members of the advisory committee shall hold security clearances appropriate for the work of the advisory committee.

(4) FIRST MEETING.—The advisory committee shall convene its first meeting for purposes of this section not later than 30 days after the date on which all members of the advisory committee have been selected for such purposes.

(c) DUTIES.—The advisory committee shall conduct a review and assessment of the following:

(1) The requirements of the Department of Defense for its space control mission and the efforts of the Department to fulfill such requirements.

(2) Whether or not the Department of Defense is allocating appropriate resources to fulfill the current space control mission of the Department when compared with the allocation by the Department of resources to other military space missions.

(3) The plans of the Department of Defense to meet its future space control mission.

(d) INFORMATION FROM FEDERAL AND STATE AGENCIES.—

(1) IN GENERAL.—The advisory committee may secure directly from the Department of Defense, from any other department or agency of the Federal Government, and any State government any information that the advisory committee considers necessary to carry out its duties under this section.

(2) LIAISON.—The Secretary of Defense shall designate at least one senior civilian employee of the Department of Defense and at least one general or flag officer of an Armed Force to serve as liaison between the Department, the Armed Forces, and the advisory committee for purposes of this section.

(e) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of the first meeting of the advisory committee under subsection (b)(4), the advisory committees shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the review and assessment under subsection (c).

(2) ELEMENTS.—The report shall include—

(A) the findings and conclusions of the advisory committee on the requirements of the Department of Defense for its space control mission and the efforts of the Department to fulfill such requirements; and

(B) any recommendations that the advisory committee considers appropriate regarding the best means by which the Department may fulfill such requirements.

(f) TERMINATION.—The advisory committee shall terminate for purposes of this section 10 months after the date of the first meeting of the advisory committee under subsection (b)(4).

(g) SPACE CONTROL MISSION.—In this section, the term ''space control mission'' means the mission of the Department of Defense involving the following:

(1) Space situational awareness.

(2) Defensive counterspace operations.

(3) Offensive counterspace operations.

(h) FUNDING.—Amounts authorized to be appropriated to the Department of Defense shall be available to the Secretary of Defense for purposes of the activities of the advisory committee under this section.

**Subtitle C—Other Matters**

**SEC. 921. ACCEPTANCE OF GIFTS AND DONATIONS FOR DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.**

(a) AUTHORITY TO ACCEPT.—

(1) IN GENERAL.—Section 2611 of title 10, United States Code, is amended to read as follows:

**"§ 2611. Regional centers for security studies: acceptance of gifts and donations**

''(a) AUTHORITY TO ACCEPT GIFTS AND DONATIONS.—Subject to subsection (c), the Secretary of Defense may, on behalf of any Department of Defense regional center for security studies, any combination of such centers, or such centers generally, accept from any source specified in subsection (b) any gift or donation for purposes of defraying the costs, or enhancing the operation, of such center, combination of centers, or centers generally, as the case may be.

''(b) SOURCES.—The sources from which gifts and donations may be accepted under subsection (a) are the following:

''(1) The government of a State or a political subdivision of a State.

''(2) The government of a foreign country.

''(3) A foundation or other charitable organization, including a foundation or charitable organization this is organized or operates under the laws of a foreign country.

''(4) Any source in the private sector of the United States or a foreign country.

''(c) LIMITATION.—The Secretary may not accept a gift or donation under subsection (a) if acceptance of the gift or donation would compromise or appear to compromise—

''(1) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

''(2) the integrity of any program of the Department, or of any person involved in such a program.

''(d) CRITERIA FOR ACCEPTANCE.—The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a gift or donation would have a result described in subsection (c).

''(e) CREDITING OF FUNDS.—(1) There is established on the books of the Treasury of the United States an account to be known as the 'Regional Centers for Security Studies Account'.

''(2) Gifts and donations of money accepted under subsection (a) shall be credited to the Account, and shall be available until expended, without further appropriation, to defray the costs, or enhance the operation, of the regional center, combination of centers, or centers generally for which donated under that subsection.

''(f) GIFT OR DONATION DEFINED.—In this section, the term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2611 and inserting the following new item:

''2611. Regional centers for security studies: acceptance of gifts and donations.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892) is amended by striking subsection (a).

(2) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 113 note) is amended—

(A) by striking subsection (a); and

(B) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

**SEC. 922. OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE AGENCY.**

(a) PROTECTION OF OPERATIONAL FILES OF DEFENSE INTELLIGENCE AGENCY.—(1) Title VII of the National Security Act of 1947 (50 U.S.C. 431 et. seq.) is amended by adding at the end the following new section:

''OPERATIONAL FILES OF THE DEFENSE INTELLIGENCE AGENCY

''SEC. 705. (a) EXEMPTION OF OPERATIONAL FILES.—The Director of the Defense Intelligence Agency, in coordination with the Director of National Intelligence, may exempt operational files of the Defense Intelligence Agency from the provisions of section 552 of title 5, United States Code, which require publication, disclosure, search, or review in connection therewith.

''(b) OPERATIONAL FILES DEFINED.—(1) In this section, the term 'operational files' means—

''(A) files of the Directorate of Human Intelligence of the Defense Intelligence Agency (and any successor organization of that directorate) that document the conduct of foreign intelligence or counterintelligence operations or intelligence or security liaison arrangements or information exchanges with foreign governments or their intelligence or security services; and

''(B) files of the Directorate of Technology of the Defense Intelligence Agency (and any successor organization of that directorate) that document the means by which foreign intelligence or counterintelligence is collected through technical systems.

''(2) Files that are the sole repository of disseminated intelligence are not operational files.

''(c) SEARCH AND REVIEW FOR INFORMATION.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning:

''(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

''(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

''(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive Order, or Presidential directive, in the conduct of an intelligence activity:

''(A) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

''(B) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

''(C) The Intelligence Oversight Board.

''(D) The Department of Justice.

''(E) The Office of General Counsel of the Department of Defense or of the Defense Intelligence Agency.

''(F) The Office of Inspector General of the Department of Defense or of the Defense Intelligence Agency.

''(G) The Office of the Director of the Defense Intelligence Agency.

''(d) INFORMATION DERIVED OR DISSEMINATED FROM EXEMPTED OPERATIONAL FILES.—(1) Files that are not exempted under subsection (a) and contain information derived or disseminated from exempted operational files shall be subject to search and review.

''(2) The inclusion of information from exempted operational files in files that are not exempted under subsection (a) shall not affect the exemption under subsection (a) of the originating operational files from search, review, publication, or disclosure.

''(3) The declassification of some of the information contained in exempted operational files shall not affect the status of the operational file as being exempt from search, review, publication, or disclosure.

''(4) Records from exempted operational files that have been disseminated to and referenced in files that are not exempted under subsection (a) and that have been returned to exempted operational files for sole retention shall be subject to search and review.

''(e) ALLEGATION; IMPROPER WITHHOLDING OF RECORDS; JUDICIAL REVIEW.—(1) Except as provided in paragraph (2), whenever any person who has requested agency records under section 552 of title 5, alleges that the Defense Intelligence Agency has withheld records improperly because of failure to comply with any provision of this section, judicial review shall be available under the terms set forth in section 552(a)(4)(B) of title 5, United States Code.

''(2) Judicial review shall not be available in the manner provided under paragraph (1) as follows:

''(A) In any case in which information specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign relations which is filed with, or produced for, the court by the Defense Intelligence Agency, such information shall be examined ex parte, in camera by the court.

''(B) The court shall determine, to the fullest extent practicable, issues of fact based on sworn written submissions of the parties.

''(C) When a complainant alleges that requested records were improperly withheld because of improper placement solely in exempted operational files, the complainant shall support such allegation with a sworn written submission based upon personal knowledge or otherwise admissible evidence.

''(D)(i) When a complainant alleges that requested records were improperly withheld because of improper exemption of operational files, the Defense Intelligence Agency shall meet its burden under section 552(a)(4)(B) of title 5, United States Code, by demonstrating to the court by sworn written submission that exempted operational files likely to contain responsible records currently perform the functions set forth in subsection (b).

''(ii) The court may not order the Defense Intelligence Agency to review the content of any exempted operational file or files in order to make the demonstration required under clause (i), unless the complainant disputes the Defense Intelligence Agency's showing with a sworn written submission based on personal knowledge or otherwise admissible evidence.

''(E) In proceedings under subparagraphs (C) and (D), the parties shall not obtain discovery pursuant to rules 26 through 36 of the Federal Rules of Civil Procedure, except that requests for admission may be made pursuant to rules 26 and 36.

''(F) If the court finds under this subsection that the Defense Intelligence Agency has improperly withheld requested records because of failure to comply with any provision of this subsection, the court shall order the Defense Intelligence Agency to search and review the appropriate exempted operational file or files for the requested records and make such records, or portions thereof, available in accordance with the provisions of section 552 of title 5, United States Code, and such order shall be the exclusive remedy for failure to comply with this section (other than subsection (f)).

''(G) If at any time following the filing of a complaint pursuant to this paragraph the Defense Intelligence Agency agrees to search the appropriate exempted operational file or files for the requested records, the court shall dismiss the claim based upon such complaint; and

''(H) Any information filed with, or produced for the court pursuant to subparagraphs (A) and (D) shall be coordinated with the Director of National Intelligence before submission to the court.

''(f) DECENNIAL REVIEW OF EXEMPTED OPERATIONAL FILES.—(1) Not less than once every 10 years, the Director of the Defense Intelligence Agency and the Director of National Intelligence shall review the exemptions in force under subsection (a) to determine whether such exemptions may be removed from a category of exempted files or any portion thereof. The Director of National Intelligence must approve any determinations to remove such exemptions.

''(2) The review required by paragraph (1) shall include consideration of the historical value or other public interest in the subject matter of the particular category of files or portions thereof and the potential for declassifying a significant part of the information contained therein.

''(3) A complainant that alleges that the Defense Intelligence Agency has improperly withheld records because of failure to comply with this subsection may seek judicial review in the district court of the United States of the district in which any of the parties reside, or in the District of Columbia. In such a proceeding, the court's review shall be limited to determining the following:

''(A) Whether the Defense Intelligence Agency has conducted the review required by paragraph (1) before the expiration of the 10-year period beginning on the date of the enactment of this section or before the expiration of the 10-year period beginning on the date of the most recent review.

''(B) Whether the Defense Intelligence Agency, in fact, considered the criteria set forth in paragraph (2) in conducting the required review.''.

(2) The table of contents for that Act is amended by inserting after the item relating to section 704 the following new item:

''Sec. 705. Operational files of the Defense Intelligence Agency.''.

(b) SEARCH AND REVIEW OF CERTAIN OTHER OPERATIONAL FILES.—The National Security Act of 1947 is further amended—

(1) in section 702(a)(3)(C) (50 U.S.C. 432(a)(3)(C)), by adding the following new clause:

''(vi) The Office of the Inspector General of the National Geospatial-Intelligence Agency.'';

(2) in section 703(a)(3)(C) (50 U.S.C. 432a(a)(3)(C)), by adding at the end the following new clause:

''(vii) The Office of the Inspector General of the NRO.''; and

(3) in section 704(c)(3) (50 U.S.C. 432b(c)(3)), by adding at the end the following subparagraph:

''(H) The Office of the Inspector General of the National Security Agency.''.

**SEC. 923. PROHIBITION ON IMPLEMENTATION OF CERTAIN ORDERS AND GUIDANCE ON FUNCTIONS AND DUTIES OF THE GENERAL COUNSEL AND THE JUDGE ADVOCATE GENERAL OF THE AIR FORCE.**

No funds authorized to be appropriated by this Act may be obligated or expended to implement or enforce either of the following:

(1) The order of the Secretary of the Air Force dated May 15, 2003, and entitled ''Functions and Duties of the General Counsel and the Judge Advocate General''.

(2) Any internal operating instruction or memorandum issued by the General Counsel of the Department of the Air Force in reliance upon the order referred to in paragraph (1).

**SEC. 924. UNITED STATES MILITARY CANCER INSTITUTE.**

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 2117. United States Military Cancer Institute**

''(a) ESTABLISHMENT.—(1) There is a United States Military Cancer Institute in the University. The Director of the United States Military Cancer Institute is the head of the Institute.

''(2) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for participation in the Institute.

''(3) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

''(b) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

''(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

''(B) The prevention and early detection of cancer.

''(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

''(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

''(c) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (b) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

''(d) ANNUAL REPORT.—(1) Promptly after the end of each fiscal year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the results of the research studies carried out under subsection (b).

''(2) Not later than 60 days after receiving the annual report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.''.

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

''2117. United States Military Cancer Institute.''.

## TITLE X—GENERAL PROVISIONS

### Subtitle A—Financial Matters

**SEC. 1001. TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) AGGREGATE LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,500,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

**SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the Senate to accompany its report on the bill S. 1042 of the One Hundred Ninth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

**SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2006.**

(a) FISCAL YEAR 2006 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2006 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2005, of funds appropriated for fiscal years before fiscal year 2006 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $763,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $238,364,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO''

means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section 4(7) of that resolution), approved by the Senate on April 30, 1998.

**SEC. 1004. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS RELATING TO LOWER INFLATION.**

(a) REDUCTION.—The aggregate amount authorized to be appropriated by titles I, II, and III is the amount equal to the sum of all the amounts authorized to be appropriated by such titles reduced by $1,300,000,000.

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the annual review of the budget conducted by the Congressional Budget Office.

(c) ALLOCATION OF REDUCTION.—The Secretary of Defense shall allocate the reduction required by subsection (a) among the amounts authorized to be appropriated for accounts in titles I, II, and III to reflect the extent to which net savings from lower-than-expected inflation are allocable to amounts authorized to be appropriated to such accounts.

**SEC. 1005. AUTHORIZATION OF SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2005.**

Amounts authorized to be appropriated to the Department of Defense and the Department of Energy 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 authorization are increased (by a supplemental appropriation) or decreased (by a rescission), or both, or are increased by a transfer of funds, pursuant to title I or chapter 2 of title IV of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13).

**SEC. 1006. INCREASE IN FISCAL YEAR 2005 TRANSFER AUTHORITY.**

Section 1001(a)(2) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2034) is amended by striking ''$3,500,000,000'' and inserting ''$6,185,000,000''.

**SEC. 1007. MONTHLY DISBURSEMENT TO STATES OF STATE INCOME TAX VOLUNTARILY WITHHELD FROM RETIRED OR RETAINER PAY.**

Section 1045(a) of title 10, United States Code, is amended—

(1) by striking ''quarter'' the first place it appears and inserting ''month''; and

(2) by striking ''during the month following that calendar quarter'' and inserting ''during the following calendar month''.

**SEC. 1008. REESTABLISHMENT OF LIMITATION ON PAYMENT OF FACILITIES CHARGES ASSESSED BY DEPARTMENT OF STATE.**

(a) COSTS OF GOODS AND SERVICES PROVIDED TO DEPARTMENT OF STATE.—Funds appropriated for the Department of Defense may be transferred to the Department of State as remittance for a fee charged to the Department of Defense by the Department of State for any year for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount charged (when added to other amounts previously so charged for that fiscal year) exceeds the total amount of the unreimbursed costs incurred by the Department of Defense during that fiscal year in providing goods and services to the Department of State.

(b) CONSTRUCTION OF LIMITATION.—The provisions of subsection (a) shall be applicable without regard to the following provisions of law:

(1) The provisions of subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999, as added by section 629 of division B of Public Law 108–447 (118 Stat. 2920; 22 U.S.C. 4865 note).

(2) The provisions of section 630 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005 (division B of Public Law 108–447 (118 Stat. 2921)).

(c) EFFECTIVE DATE.—This section shall take effect as of October 1, 2005.

**Subtitle B—Naval Vessels and Shipyards**

**SEC. 1021. TRANSFER OF BATTLESHIPS.**

(a) TRANSFER OF BATTLESHIP WISCONSIN.—The Secretary of the Navy is authorized—

(1) to strike the Battleship U.S.S. WISCONSIN (BB–64) from the Naval Vessel Register; and

(2) subject to section 7306 of title 10, United States Code, to transfer the vessel by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the vessel in the Commonwealth of Virginia.

(b) TRANSFER OF BATTLESHIP IOWA.—The Secretary of the Navy is authorized—

(1) to strike the Battleship U.S.S. IOWA (BB–61) from the Naval Vessel Register; and

(2) subject to section 7306 of title 10, United States Code, to transfer the vessel by gift or otherwise provided that the Secretary requires, as a condition of transfer, that the transferee locate the vessel in the State of California.

(c) INAPPLICABILITY OF NOTICE AND WAIT REQUIREMENT.—Notwithstanding any provision of subsection (a) or (b), section 7306(d) of title 10, United States Code, shall not apply to the transfer authorized by subsection (a) or the transfer authorized by subsection (b).

(d) REPEAL OF SUPERSEDED REQUIREMENTS AND AUTHORITIES.—

(1) Section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421) is repealed.

(2) Section 1011 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2118) is repealed.

**SEC. 1022. CONVEYANCE OF NAVY DRYDOCK, JACKSONVILLE, FLORIDA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Atlantic Marine Property Holding Company (in this section referred to as the ''Company'') all right, title, and interest of the United States in and to Navy Drydock No. AFDM 7 (the SUSTAIN), located in Duval County, Florida. The Company is the current user of the drydock.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the drydock remain at the facilities of the Company until September 30, 2010.

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Company shall pay the Secretary an amount equal to the fair market value of the drydock as determined by the Secretary.

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

**Subtitle C—Counterdrug Matters**

**SEC. 1031. USE OF UNMANNED AERIAL VEHICLES FOR UNITED STATES BORDER RECONNAISSANCE.**

(a) IN GENERAL.—Chapter 18 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 383. Use of unmanned aerial vehicles for United States border reconnaissance**

''(a) IN GENERAL.—The Secretary of Defense is authorized to use Department of Defense personnel and equipment to conduct aerial reconnaissance within the area of responsibility of the United States Northern Command with unmanned aerial vehicles in order to conduct, for the purposes specified in subsection (b), the following:

''(1) The detection and monitoring of, and communication on, the movement of air and sea traffic along the United States border.

''(2) The detection and monitoring of, and communication on, the movement of surface traffic that is—

''(A) outside of the geographic boundary of the United States; or

''(B) inside the United States, but within not more than 25 miles of the geographic boundary of the United States, with respect to surface traffic first detected outside the geographic boundary of the United States.

''(b) PURPOSES OF AUTHORIZED ACTIVITIES.—The purposes of activities authorized by subsection (a) are as follows:

''(1) To detect and monitor suspicious air, sea, and surface traffic.

''(2) To communicate information on such traffic to appropriate Federal law enforcement officials, State law enforcement officials, and local law enforcement officials.

''(c) FUNDS.—Amounts available to the Department of Defense for counterdrug activities shall be available for activities authorized by subsection (a).

''(d) LIMITATIONS.—Any limitations and restrictions under this chapter with respect to the use of personnel, equipment, and facilities under this chapter shall apply to the exercise of the authority in subsection (a).

''(e) ANNUAL REPORTS ON USE OF UNMANNED AERIAL VEHICLES.—(1) The Secretary of Defense shall submit to the congressional defense committees each year a report on the operation of unmanned aerial vehicles along the United States border under this section during the preceding year. Each report shall include, for the year covered by such report, the following:

''(A) A description of the aerial reconnaissance missions carried out along the United States border by unmanned aerial vehicles under this section, including the total number of sorties and flight hours.

''(B) A statement of the costs of such missions.

''(C) A statement of the number of times data collected by the Department of Defense from such missions was communicated to other authorities of the Federal Government or to State or local authorities.

''(2) A report is not required under this subsection for a year if no operations of unmanned aerial vehicles along the United States border occurred under this section during such year.

''(3) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

''(f) DEFINITIONS.—In this section:

''(1) The term 'suspicious air, sea, and surface traffic' means any air, sea, or surface traffic that is suspected of illegal activities, including involvement in activities that would constitute a violation of any provision of law set forth in or described under section 374(b)(4)(A) of this title.

''(2) The term 'State law enforcement officials' includes authorized members of the National Guard operating under authority of title 32.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 18 of such title is amended by adding at the end the following new item:

''383. Use of unmanned aerial vehicles for United States border reconnaissance.''.

**SEC. 1032. USE OF COUNTERDRUG FUNDS FOR CERTAIN COUNTERTERRORISM OPERATIONS.**

(a) AUTHORITY TO USE FUNDS.—In conjunction with counterdrug activities authorized by law, the Secretary of Defense may use funds authorized to be appropriated to the Department of Defense for drug interdiction and counterdrug activities in fiscal years 2006 and 2007 for the detection, monitoring, and interdiction of terrorists, terrorism-related activities, and other related transnational threats along the borders and within the territorial waters of the United States.

(b) CONSTRUCTION WITH OTHER AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided in section 124 of title 10, United States Code.

**SEC. 1033. SUPPORT FOR COUNTER-DRUG ACTIVITIES THROUGH BASES OF OPERATION AND TRAINING FACILITIES IN AFGHANISTAN.**

In providing support for counterdrug activities under section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note), the Secretary of Defense may, in accordance with a request under subsection (a) of such section, provide through or utilizing bases of operation or training facilities in Afghanistan—

(1) any type of support specified in subsection (b) of such section for counter-drug activities; and

(2) any type of support for counter-drug related Afghan criminal justice activities.

**Subtitle D—Reports and Studies**

**SEC. 1041. MODIFICATION OF FREQUENCY OF SUBMITTAL OF JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.**

(a) SUBMITTAL OF JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.—Section 270 of the National Defense Authorization Act for Fiscal Year 1997 (10 U.S.C. 2501 note) is amended by striking ''(a) ANNUAL PLAN REQUIRED.—On March 1 of each year,'' and inserting ''Not later than March 1 of each year through 2006, and March 1 every two years thereafter,''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''**ANNUAL**''.

**SEC. 1042. REVIEW AND ASSESSMENT OF DEFENSE BASE ACT INSURANCE.**

(a) IN GENERAL.—The Secretary of Defense shall, in coordination with the Director of the Office of Management and Budget and appropriate officials of the Department of Labor, the Department of State and the United States Agency for International Development, review current and future needs, options, and risks associated with Defense Base Act insurance.

(b) MATTERS TO BE ADDRESSED.—The review under subsection (a) shall address the following matters:

(1) Cost-effective options for acquiring Defense Base Act insurance.

(2) Methods for coordinating data collection efforts among agencies and contractors on numbers of employees, costs of insurance, and other information relevant to decisions on Defense Base Act insurance.

(3) Improved communication and coordination within and among agencies on the implementation of Defense Base Act insurance.

(4) Actions to be taken to address difficulties in the administration of Defense Base Act insurance, including on matters relating to cost, data, enforcement, and claims processing.

(c) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the review under subsection (a). The report shall set forth the findings of the Secretary as a result of the review and such recommendations, including recommendations for legislative or administrative action, as the Secretary considers appropriate in light of the review.

(d) DEFENSE BASE ACT INSURANCE DEFINED.—In this section, the term ''Defense Base Act insurance'' means workers' compensation insurance provided to contractor employees pursuant to the Defense Base Act (42 U.S.C. 1651 et seq.).

**SEC. 1043. COMPTROLLER GENERAL REPORT ON CORROSION PREVENTION AND MITIGATION PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) REPORT REQUIRED.—Not later than April 1, 2007, the Comptroller General of the United States shall submit to the congressional defense committees a report on the effectiveness of the corrosion prevention and mitigation programs of the Department of Defense.

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

(1) An assessment of the document of the Department of Defense entitled ''Long-Term Strategy to Reduce Corrosion and the Effects of Corrosion on the Military Equipment and Infrastructure of the Department of Defense'', dated November 2004.

(2) An assessment of the adequacy for purposes of the strategy set forth in that document of the funding requested in the budget of the President for fiscal year 2006, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, and the associated Future-Years Defense Program under section 221 of title 10, United States Code.

(3) An assessment of the adequacy and effectiveness of the organizational structure of the Department of Defense in implementing that strategy.

(4) An assessment of the progress made as of the date of the report in establishing throughout the Department common metrics, definitions, and procedures on corrosion prevention and mitigation.

(5) An assessment of the progress made as of the date of the report in establishing a baseline estimate of the scope of the corrosion problems of the Department.

(6) An assessment of the extent to which the strategy of the Department on corrosion prevention and mitigation has been revised to incorporate the recommendations of the October 2004 Defense Science Board report on corrosion control.

(7) An assessment of the implementation of the corrosion prevention and mitigation programs of the Department during fiscal year 2006.

(8) Recommendations by the Comptroller General for addressing any shortfalls or areas of potential improvement identified in the review for purposes of the report.

**Subtitle E—Technical Amendments**

**SEC. 1051. TECHNICAL AMENDMENTS RELATING TO CERTAIN PROVISIONS OF ENVIRONMENTAL DEFENSE LAWS.**

(a) DEFINITION OF ''MILITARY MUNITIONS''.—Section 101(e)(4)(B)(ii) of title 10, United States Code, is amended by striking ''explosives, and'' and inserting ''explosives and''.

(b) DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—Section 2703(b) of such title is amended by striking '''unexploded ordnance', 'discarded military munitions', and'' and inserting '''discarded military munitions' and''.

**Subtitle F—Military Mail Matters**

**SEC. 1061. SAFE DELIVERY OF MAIL IN THE MILITARY MAIL SYSTEM.**

(a) PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall promptly develop and implement a plan to ensure that the mail within the military mail system is safe for delivery.

(2) SCREENING.—The plan under this subsection shall provide for the screening of all mail within the military mail system in order to detect the presence in such mail of biological, chemical, or radiological weapons, agents, or pathogens, or explosive devices, before such mail is delivered to its intended recipients.

(b) FUNDING FOR PLAN.—The budget justification materials that are submitted to Congress with the budget of the President for any fiscal year after fiscal year 2006, as submitted under section 1105(a) of title 31, United States Code, shall include a description of the amounts required in such fiscal year to carry out the plan under subsection (a).

(c) REPORT ON SAFETY OF MAIL FOR DELIVERY.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the safety of mail within the military mail system for delivery.

(2) ELEMENTS.—The report shall include the following:

(A) An assessment of any existing deficiencies in the military mail system in ensuring that mail within such system is safe for delivery.

(B) The plan developed under subsection (a).

(C) An estimate of the time and resources required to implement the plan.

(D) A description of the delegation within the Department of Defense of responsibility for ensuring that mail within the military mail system is safe for delivery, including responsibility for the development, implementation, and oversight of improvements to that system in order to ensure the safety of such mail for delivery.

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

(d) MAIL WITHIN THE MILITARY MAIL SYSTEM DEFINED.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term ''mail within the military mail system''—

(A) means—

(i) any mail that is posted through the Military Post Offices (including Army Post Offices (APOs) and Fleet Post Offices (FPOs)), Department of Defense mail centers, military Air Mail Terminals, and military Fleet Mail Centers; and

(ii) any mail or package posted in the United States that is addressed to an unspecified member of the Armed Forces; and

(B) includes any official mail posted by the Department of Defense.

(2) EXCEPTION.—The term does not include any mail posted as otherwise described in paragraph (1) that has been screened for safety for delivery by the United States Postal Service before its posting as so described.

**SEC. 1062. DELIVERY OF MAIL ADDRESSED TO ANY SERVICE MEMBER.**

(a) PROGRAM OF DELIVERY OF MAIL.—The Secretary of Defense shall carry out a program under which mail and packages addressed to Any Service Member that are posted in the United States shall be delivered to deployed members of the Armed

Forces overseas at or through such Army Post Offices (APOs) and Fleet Post Offices (FPOs) as the Secretary shall designate for purposes of the program.

(b) SCREENING OF MAIL.—In carrying out the program required by subsection (a), the Secretary shall take appropriate actions to ensure that the mail and packages covered by the program are screened in order to detect the presence in such mail and packages of biological, chemical, or radiological weapons, agents, or pathogens, or explosive devices, before such mail and packages are delivered to members of the Armed Forces.

(c) DISTRIBUTION.—The Secretary shall ensure that mail and packages delivered under the program required by subsection (a) are widely distributed on an equitable basis among all the Armed Forces in their overseas areas.

(d) OUTREACH.—

(1) IN GENERAL.—The Secretary shall, in collaboration with the Postmaster General, take appropriate actions to provide information to the public on the program required by subsection (a).

(2) OUTLETS.—Information shall be provided to the public under this subsection through Department of Defense facilities and communications outlets, Postal Service facilities, and such other means as the Secretary and the Postmaster General consider appropriate.

(e) ANY SERVICE MEMBER DEFINED.—In this section, the term ''Any Service Member'' means an undesignated or unspecified member of the Armed Forces (often addressed on mail or packages as ''Any American Service Member or Soldier''), rather than any particular or specified member of the Armed Forces.

### Subtitle G—Other Matters

**SEC. 1071. POLICY ON ROLE OF MILITARY MEDICAL AND BEHAVIORAL SCIENCE PERSONNEL IN INTERROGATION OF DETAINEES.**

(a) POLICY REQUIRED.—The Secretary of Defense shall establish the policy of the Department of Defense on the role of military medical and behavioral science personnel in the interrogation of persons detained by the Armed Forces. The policy shall apply uniformly throughout the Armed Forces.

(b) REPORT.—Not later than March 1, 2006, the Secretary shall submit to the congressional defense committees a report on the policy established under subsection (a). The report shall set forth the policy, and shall include such additional matters on the policy as the Secretary considers appropriate.

**SEC. 1072. CLARIFICATION OF AUTHORITY TO ISSUE SECURITY REGULATIONS AND ORDERS UNDER INTERNAL SECURITY ACT OF 1950.**

Section 21(a) of the Internal Security Act of 1950 (Public Law 81–831; 64 Stat. 1005) is amended by inserting ''or military or civilian director'' after ''military commander''.

**SEC. 1073. SUPPORT FOR YOUTH ORGANIZATIONS.**

(a) SHORT TITLE.—This section may be cited as the ''Support Our Scouts Act of 2005''.

(b) SUPPORT FOR YOUTH ORGANIZATIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''Federal agency'' means each department, agency, instrumentality, or other entity of the United States Government; and

(B) the term ''youth organization''—

(i) means any organization that is designated by the President as an organization that is primarily intended to—

(I) serve individuals under the age of 21 years;

(II) provide training in citizenship, leadership, physical fitness, service to community, and teamwork; and

(III) promote the development of character and ethical and moral values; and

(ii) shall include—

(I) the Boy Scouts of America;

(II) the Girl Scouts of the United States of America;

(III) the Boys Clubs of America;

(IV) the Girls Clubs of America;

(V) the Young Men's Christian Association;

(VI) the Young Women's Christian Association;

(VII) the Civil Air Patrol;

(VIII) the United States Olympic Committee;

(IX) the Special Olympics;

(X) Campfire USA;

(XI) the Young Marines;

(XII) the Naval Sea Cadets Corps;

(XIII) 4-H Clubs;

(XIV) the Police Athletic League;

(XV) Big Brothers—Big Sisters of America; and

(XVI) National Guard Youth Challenge.

(2) IN GENERAL.—

(A) SUPPORT FOR YOUTH ORGANIZATIONS.—

(i) SUPPORT.—No Federal law (including any rule, regulation, directive, instruction, or order) shall be construed to limit any Federal agency from providing any form of support for a youth organization (including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America) that would result in that Federal agency providing less support to that youth organization (or any similar organization chartered under the chapter of title 36, United States Code, relating to that youth organization) than was provided during the preceding fiscal year. This clause shall be subject to the availability of appropriations

(ii) YOUTH ORGANIZATIONS THAT CEASE TO EXIST.—Clause (i) shall not apply to any youth organization that ceases to exist.

(iii) WAIVERS.—The head of a Federal agency may waive the application of clause (i) to any youth organization with respect to each conviction or investigation described under subclause (I) or (II) for a period of not more than 2 fiscal years if—

(I) any senior officer (including any member of the board of directors) of the youth organization is convicted of a criminal offense relating to the official duties of that officer or the youth organization is convicted of a criminal offense; or

(II) the youth organization is the subject of a criminal investigation relating to fraudulent use or waste of Federal funds.

(B) TYPES OF SUPPORT.—Support described under this paragraph shall include—

(i) holding meetings, camping events, or other activities on Federal property;

(ii) hosting any official event of such organization;

(iii) loaning equipment; and

(iv) providing personnel services and logistical support.

(c) SUPPORT FOR SCOUT JAMBOREES.—

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

(A) Section 8 of article I of the Constitution of the United States commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces.

(B) Under those powers conferred by section 8 of article I of the Constitution of the United States to provide, support, and maintain the Armed Forces, it lies within the discretion of Congress to provide opportunities to train the Armed Forces.

(C) The primary purpose of the Armed Forces is to defend our national security and prepare for combat should the need arise.

(D) One of the most critical elements in defending the Nation and preparing for combat is training in conditions that simulate the preparation, logistics, and leadership required for defense and combat.

(E) Support for youth organization events simulates the preparation, logistics, and leadership required for defending our national security and preparing for combat.

(F) For example, Boy Scouts of America's National Scout Jamboree is a unique training event for the Armed Forces, as it requires the construction, maintenance, and disassembly of a ''tent city'' capable of supporting tens of thousands of people for a week or longer. Camporees at the United States Military Academy for Girl Scouts and Boy Scouts provide similar training opportunities on a smaller scale.

(2) SUPPORT.—Section 2554 of title 10, United States Code, is amended by adding at the end the following:

''(i)(1) The Secretary of Defense shall provide at least the same level of support under this section for a national or world Boy Scout Jamboree as was provided under this section for the preceding national or world Boy Scout Jamboree.

''(2) The Secretary of Defense may waive paragraph (1), if the Secretary—

''(A) determines that providing the support subject to paragraph (1) would be detrimental to the national security of the United States; and

''(B) reports such a determination to the Congress in a timely manner, and before such support is not provided.''.

(d) EQUAL ACCESS FOR YOUTH ORGANIZATIONS.—Section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309) is amended—

(1) in the first sentence of subsection (b) by inserting ''or (e)'' after ''subsection (a)''; and

(2) by adding at the end the following:

''(e) EQUAL ACCESS.—

''(1) DEFINITION.—In this subsection, the term 'youth organization' means any organization described under part B of subtitle II of title 36, United States Code, that is intended to serve individuals under the age of 21 years.

''(2) IN GENERAL.—No State or unit of general local government that has a designated open forum, limited public forum, or nonpublic forum and that is a recipient of assistance under this chapter shall deny equal access or a fair opportunity to meet to, or discriminate against, any youth organization, including the Boy Scouts of America or any group officially affiliated with the Boy Scouts of America, that wishes to conduct a meeting or otherwise participate in that designated open forum, limited public forum, or nonpublic forum.''.

## TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL POLICY

**SEC. 1101. EXTENSION OF AUTHORITY FOR VOLUNTARY SEPARATIONS IN REDUCTIONS IN FORCE.**

Section 3502(f)(5) of title 5, United States Code, is amended by striking ''September 30, 2005'' and inserting ''September 30, 2010''.

**SEC. 1102. COMPENSATORY TIME OFF FOR NONAPPROPRIATED FUND EMPLOYEES OF THE DEPARTMENT OF DEFENSE.**

Section 5543 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(d) The Secretary of Defense may, on request of a Department of Defense employee paid from nonappropriated funds, grant such employee compensatory time off from duty instead of overtime pay for overtime work.''.

**SEC. 1103. EXTENSION OF AUTHORITY TO PAY SEVERANCE PAYMENTS IN LUMP SUMS.**

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

**SEC. 1104. CONTINUATION OF FEDERAL EMPLOYEE HEALTH BENEFITS PROGRAM ELIGIBILITY.**

Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) in clause (i), by striking ''October 1, 2006'' and inserting ''October 1, 2010''; and

(2) in clause (ii)—

(A) by striking ''February 1, 2007'' and inserting ''February 1, 2011''; and

(B) by striking ''October 1, 2006'' and inserting ''October 1, 2010''.

**SEC. 1105. PERMANENT AND ENHANCED AUTHORITY FOR SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.**

(a) PERMANENT AUTHORITY FOR PROGRAM.—Section 1105 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2074; 10 U.S.C. 2192 note) is amended—

(1) in subsection (a)—

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

(B) by striking paragraph (2); and

(2) by striking ''pilot'' each place it appears.

(b) ASSISTANCE UNDER PROGRAM.—Such section is further amended—

(1) in subsection (b)—

(A) by striking ''(b)'' and all that follows through ''a scholarship'' and inserting ''(b) ASSISTANCE.—(1) Under the program under this section, the Secretary of Defense may award a scholarship or fellowship'';

(B) in paragraph (1)(B), by inserting ''accredited'' before ''institution of higher education'';

(C) in paragraph (2)—

(i) by inserting ''or fellowship'' after ''scholarship'';

(ii) by inserting ''equipment expenses,'' after ''laboratory expenses,''; and

(iii) by striking the second sentence; and

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

''(3) Any assistance payable to a person under this subsection may be paid directly to the person awarded such assistance or to an administering entity that shall disburse such assistance to the person.''; and

(2) in subsection (c)(2)—

(A) by striking ''a scholarship'' and inserting ''financial assistance'';

(B) by striking ''the financial assistance provided under the scholarship'' and inserting ''such financial assistance''; and

(C) by striking ''the scholarship.'' and inserting ''such financial assistance.''.

(c) EMPLOYMENT OF PROGRAM PARTICIPANTS.—Such section is further amended—

(1) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (e), (f), (g), (h), and (i), respectively; and

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

''(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—(1) The Secretary of Defense may—

''(A) appoint or retain a person participating in the program under this section in a position on an interim basis during the period of such person's pursuit of a degree under the program and for a period not to exceed 2 years after completion of the degree, but only if, in the case of the period after completion of the degree—

''(i) there is no readily available appropriate permanent position for such person; and

''(ii) there is an active and ongoing effort to identify and assign such person to an appropriate permanent position as soon as practicable; and

''(B) if there is no appropriate permanent position available after the end of the periods described in subparagraph (A), separate such person from employment with the Department without regard to any other provision of law, in which event the service agreement of such person under subsection (c) shall terminate.

''(2) The period of service of a person covered by paragraph (1) in a position on an interim basis under that paragraph shall, after completion of the degree, be treated as a period of service for purposes of satisfying the obligated service requirements of the person under the service agreement of the person under subsection (c).''.

(d) REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—Paragraph (1) of subsection (e) of such section, as redesignated by subsection (c)(1) of this section, is amended to read as follows:

''(1)(A) A participant in the program under this section who is not an employee of the Department of Defense and who voluntarily fails to complete the educational program for which financial assistance has been provided under this section, or fails to maintain satisfactory academic progress as determined in accordance with regulations prescribed by the Secretary of Defense, shall refund to the United States an appropriate amount, as determined by the Secretary.

''(B) A participant in the program under this section who is an employee of the Department of Defense and who—

''(i) voluntarily fails to complete the educational program for which financial assistance has been provided, or fails to maintain satisfactory academic progress as determined in accordance with regulations prescribed by the Secretary; or

''(ii) before completion of the period of obligated service required of such participant—

''(I) voluntarily terminates such participant's employment with the Department; or

''(II) is removed from such participant's employment with the Department on the basis of misconduct,

shall refund the United States an appropriate amount, as determined by the Secretary.''.

(e) CONFORMING AMENDMENTS.—

(1) Subsection (f) of such section, as redesignated by subsection (c)(1) of this section, is further amended by striking ''PILOT''.

(2) The heading of such section is amended to read as follows:

**''SEC. 1105. SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.''.**

(3) Section 3304(a)(3)(B)(ii) of title 5, United States Code, is—

(A) by striking ''Scholarship Pilot Program'' and inserting ''Defense Education Program''; and

(B) by inserting ''(10 U.S.C. 2912 note)'' after ''for Fiscal Year 2005''.

**SEC. 1106. INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE EMPLOYEES.**

Section 1606(a) of title 10, United States Code, is amended by striking ''544'' and inserting ''the following:

''(1) In fiscal year 2005, 544.

''(2) In fiscal year 2006, 619.

''(3) In fiscal years after fiscal year 2006, 694.''.

**SEC. 1107. STRATEGIC HUMAN CAPITAL PLAN FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.**

(a) PLAN REQUIRED.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall develop and submit to the appropriate committees of Congress a strategic plan to shape and improve the civilian employee workforce of the Department of Defense.

(2) The plan shall be known as the ''strategic human capital plan''.

(b) CONTENTS.—The strategic human capital plan required by subsection (a) shall include—

(1) a workforce gap analysis, including an assessment of—

(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A); and

(2) a plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals; and

(B) specific strategies for development, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies.

(c) INAPPLICABILITY OF CERTAIN LIMITATIONS.—The recruitment and retention of civilian employees to meet the goals established under subsection (b)(2)(A) shall not be subject to any limitation or constraint under statute or regulations on the end strength of the civilian workforce of the Department of Defense or any part of the workforce of the Department.

(d) ANNUAL UPDATES.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall update the strategic human capital plan required by subsection (a), as previously updated under this subsection.

(e) ANNUAL REPORTS.—Not later than March 1 of each year from 2007 through 2012, the Secretary shall submit to the appropriate committees of Congress—

(1) the update of the strategic human capital plan prepared in such year under subsection (d); and

(2) the assessment of the Secretary, using results-oriented performance measures, of the progress of the Department of Defense in implementing the strategic human capital plan.

(f) COMPTROLLER GENERAL REVIEW.—(1) Not later than 90 days after the Secretary submits under subsection (a) the strategic human capital plan required by that subsection, the Comptroller General shall submit to the appropriate committees of Congress a report on the plan.

(2) Not later than 90 days after the Secretary submits under subsection (e) an update of the strategic human capital plan under subsection (d), the Comptroller General shall submit to the appropriate committees of Congress a report on the update.

(3) A report on the strategic human capital plan under paragraph (1), or on an update of the plan under paragraph (2), shall include the assessment of the Comptroller General of the extent to which the plan or update, as the case may be—

(A) complies with the requirements of this section; and

(B) complies with applicable best management practices (as determined by the Comptroller General).

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

(1) the Committees on Armed Services and Homeland Security and Governmental Affairs of the Senate; and

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

**SEC. 1108. COMPTROLLER GENERAL STUDY ON FEATURES OF SUCCESSFUL PERSONNEL MANAGEMENT SYSTEMS OF HIGHLY TECHNICAL AND SCIENTIFIC WORKFORCES.**

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to identify the features of successful personnel management systems of the highly technical and scientific workforces of the Department of Defense laboratories and similar scientific facilities and institutions.

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

(1) An examination of the flexible personnel management authorities, whether under statute or regulations, currently being utilized at Department of Defense demonstration laboratories to assist in the management of the workforce of such laboratories.

(2) An identification of any flexible personnel management authorities, whether under statute or regulations, available for use in the management of Department of Defense laboratories to assist in the management of the workforces of such laboratories that are not currently being utilized.

(3) An assessment of personnel management practices utilized by scientific and technical laboratories and institutions that are similar to the Department of Defense laboratories.

(4) A comparative analysis of the specific features identified by the Comptroller General in successful personnel management systems of highly technical and scientific workforces to attract and retain critical employees and to provide local management authority to Department of Defense laboratory officials.

(c) PURPOSES.—The purposes of the study shall include—

(1) the identification of the specific features of successful personnel management systems of highly technical and scientific workforces;

(2) an assessment of the potential effects of the utilization of such features by Department of Defense laboratories on the missions of such laboratories and on the mission of the Department of Defense as a whole; and

(3) recommendations as to the future utilization of such features in Department of Defense laboratories.

(d) LABORATORY PERSONNEL DEMONSTRATION AUTHORITIES.—The laboratory personnel demonstration authorities set forth in this subsection are as follows:

(1) The authorities in section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 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–315)).

(2) The authorities in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by this section. The report shall include—

(1) a description of the study;

(2) an assessment of the effectiveness of the current utilization by the Department of Defense of the laboratory personnel demonstration authorities set forth in subsection (d); and

(3) such recommendations as the Comptroller General considers appropriate for the effective use of available personnel management authorities to ensure the successful personnel management of the highly technical and scientific workforce of the Department of Defense laboratories.

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

(1) the Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate; and

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

## TITLE XII—MATTERS RELATING TO OTHER NATIONS

**SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PROGRAM.**

(a) AUTHORITY FOR FISCAL YEARS 2006 AND 2007.—During fiscal year 2006 and fiscal year 2007, from funds made available to the Department of Defense for operation and maintenance for such fiscal year, not to exceed $500,000,000 may be used in each such fiscal year to provide funds—

(1) for the Commanders' Emergency Response Program; and

(2) for a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal-year quarter (beginning with the first quarter of fiscal year 2006), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

(c) COMMANDERS' EMERGENCY RESPONSE PROGRAM DEFINED.—In this section, the term ''Commanders' Emergency Response Program'' means the program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people.

**SEC. 1202. ENHANCEMENT AND EXPANSION OF AUTHORITY TO PROVIDE HUMANITARIAN AND CIVIC ASSISTANCE.**

(a) INCREASE IN AUTHORIZED EXPENSES ASSOCIATED WITH DETECTION AND CLEARANCE OF LANDMINES.—Subsection (c)(3) of section 401 of title 10, United States Code, is amended by striking ''$5,000,000'' and inserting ''$10,000,000''.

(b) INCLUSION OF ASSISTANCE ON COMMUNICATIONS AND INFORMATION INFRASTRUCTURE UNDER AUTHORITY.—Such section is further amended—

(1) in subsection (c)—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) Expenses covered by paragraph (1) also include expenses incurred in providing communications or information systems equipment or supplies that are transferred or otherwise furnished to a foreign country in furtherance of the provision of other assistance under this section.''; and

(2) in subsection (e), by adding at the end the following new paragraph:

''(6) Restoring or improving the information and communications infrastructure of a country, including activities relating to the furnishing of education, training, and technical assistance with respect to information and communications technology.''.

(c) EXPANSION OF AUTHORITY TO PROVIDE MEDICAL, DENTAL, AND VETERINARY CARE.—Subsection (e)(1) of such section is amended by inserting before the period the following: '', including education, training, and technical assistance related to the care provided''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2005.

**SEC. 1203. MODIFICATION OF GEOGRAPHIC LIMITATION ON PAYMENT OF PERSONNEL EXPENSES UNDER BILATERAL OR REGIONAL COOPERATION PROGRAMS.**

Section 1051(b)(1) of title 10, United States Code, is amended by striking ''within the area'' and all that follows through ''developing country is located'' and inserting ''to and within the area of responsibility of a unified combatant command (as such term is defined in section 161(c) of this title)''.

**SEC. 1204. PAYMENT OF TRAVEL EXPENSES OF COALITION LIAISON OFFICERS.**

(a) AUTHORITY TO PAY CERTAIN TRAVEL EXPENSES OF MILITARY OFFICERS ON COALITION MISSIONS.—Subsection (b) of section 1051a of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary may pay the travel expenses of a military officer of a developing country involved in coalition operations while temporarily assigned to the headquarters of a combatant command, component command, or subordinate operational command for the mission-related roundtrip travel of such officer, upon the direction of the commander of such command, from such headquarters to one or more locations specified by the commander of such command if such travel is determined to be in support of United States national interests.''.

(b) EXTENSION OF AUTHORITY TO PAY TRAVEL EXPENSES.—Subsection (e) of such section is amended by striking ''September 30, 2005'' and inserting ''September 30, 2009''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October, 1, 2005.

**SEC. 1205. PROHIBITION ON ENGAGING IN CERTAIN TRANSACTIONS.**

(a) APPLICATION OF IEEPA PROHIBITIONS TO THOSE ATTEMPTING TO EVADE OR AVOID THE PROHIBITIONS.—Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

''PENALTIES

''SEC. 206. (a) It shall be unlawful for—

''(1) a person to violate or attempt to violate any license, order, regulation, or prohibition issued under this title;

''(2) a person subject to the jurisdiction of the United States to take any action to evade or avoid, or attempt to evade or avoid, a license, order, regulation, or prohibition issued this title; or

''(3) a person subject to the jurisdiction of the United States to approve, facilitate, or provide financing for any action, regardless of who initiates or completes the action, if it would be unlawful for such person to initiate or complete the action.

''(b) A civil penalty of not to exceed $250,000 may be imposed on any person who commits an unlawful act described in paragraph (1), (2), or (3) of subsection (a).

''(c) A person who willfully commits, or willfully attempts to commit, an unlawful act described in paragraph (1), (2), or (3) of subsection (a) shall, upon conviction, be fined not more than $500,000, or a natural person, may be imprisoned not more than 10 years, or both; and any officer, director, or agent of any person who knowingly participates, or attempts to participate, in such unlawful act may be punished by a like fine, imprisonment, or both.''.

(b) PRODUCTION OF RECORDS.—Section 203(a)(2) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)(2)) is amended to read as follows:

''(2) In exercising the authorities granted by paragraph (1), the President may require any person to keep a full record of, and to furnish under oath, in the form of reports, testimony, answers to questions, or otherwise, complete information relative to any act or transaction referred to in paragraph (1), either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which any foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of such paragraph. The President may require by subpoena or otherwise the production under oath by any person of all such information, reports, testimony, or answers to questions, as well as the production of any required books of accounts, records, contracts, letters, memoranda, or other papers, in the custody or control of any person. The subpoena or other requirement, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court.''.

(c) CLARIFICATION OF JURISDICTION TO ADDRESS IEEPA VIOLATIONS.—Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is further amended by adding at the end the following:

''(d) The district courts of the United States shall have jurisdiction to issue such process described in subsection (a)(2) as may be necessary and proper in the premises to enforce the provisions of this title.''.

## TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

### SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2006 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2006 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

### SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $415,549,000 authorized to be appropriated to the Department of Defense for fiscal year 2006 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $78,900,000.

(2) For nuclear weapons storage security in Russia, $74,100,000.

(3) For nuclear weapons transportation security in Russia, $30,000,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $40,600,000.

(5) For biological weapons proliferation prevention in the former Soviet Union, $60,849,000.

(6) For chemical weapons destruction in Russia, $108,500,000.

(7) For defense and military contacts, $8,000,000.

(8) For activities designated as Other Assessments/Administrative Support, $14,600,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2006 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (8) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2006 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2006 for a purpose listed in any of the paragraphs in subsection (a) in excess of the specific amount authorized for that purpose.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for a purpose stated in any of paragraphs (6) through (8) of subsection (a) in excess of 125 percent of the specific amount authorized for such purpose.

### SEC. 1303. PERMANENT WAIVER OF RESTRICTIONS ON USE OF FUNDS FOR THREAT REDUCTION IN STATES OF THE FORMER SOVIET UNION.

Section 1306 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 22 U.S.C. 5952 note) is amended—

(1) by striking subsections (c) and (d); and

(2) by redesignating subsection (e) as subsection (c).

### SEC. 1304. MODIFICATION OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION FUNDS OUTSIDE THE FORMER SOVIET UNION.

(a) IN GENERAL.—Subsection (a) of section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) by striking ''the President may'' and inserting ''the Secretary of Defense may''; and

(2) by striking ''if the President'' and inserting ''if the Secretary of Defense, with the concurrence of the Secretary of State,''.

(b) AVAILABILITY OF FUNDS.—Subsection (d) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''The President'' and inserting ''The Secretary of Defense''; and

(B) by striking ''the President'' and inserting ''the Secretary of Defense, with the concurrence of the Secretary of State,''; and

(2) in paragraph (2)—

(A) by striking ''10 days after'' and inserting ''15 days before''; and

(B) by striking ''the President shall notify Congress'' and inserting ''the Secretary of Defense shall notify the congressional defense committees''.

### SEC. 1305. REPEAL OF REQUIREMENT FOR ANNUAL COMPTROLLER GENERAL ASSESSMENT OF ANNUAL DEPARTMENT OF DEFENSE REPORT ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308 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–341) is amended by striking subsection (e).

### SEC. 1306. REMOVAL OF CERTAIN RESTRICTIONS ON PROVISION OF COOPERATIVE THREAT REDUCTION ASSISTANCE.

(a) REPEAL OF RESTRICTIONS.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(b) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

## TITLE XIV—AUTHORIZATION FOR SUPPLEMENTAL APPROPRIATIONS FOR IRAQ, AFGHANISTAN, AND THE GLOBAL WAR ON TERRORISM

### SEC. 1401. PURPOSE.

The purpose of this title is to authorize supplemental appropriations for the Department of Defense for fiscal year 2006 for operations in Iraq, Afghanistan, and the global war on terrorism that are in addition to the amounts otherwise authorized to be appropriated for the Department of Defense by this Act.

### SEC. 1402. DESIGNATION AS EMERGENCY AMOUNTS.

Amounts appropriated pursuant to the authorizations of appropriations in this title are designated as an emergency requirement pursuant to section 402(b) of the conference report to accompany H. Con. Res. 95 (109th Congress).

### SEC. 1403. ARMY PROCUREMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for procurement accounts of the Army in amounts as follows:

(1) For aircraft, $70,300,000.

(2) For weapons and tracked combat vehicles, $27,800,000.

(3) For other procurement $376,700,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (a)(3), $225,000,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Army shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Army has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

**SEC. 1404. NAVY AND MARINE CORPS PROCUREMENT.**

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts of the Navy in amounts as follows:

(1) For aircraft, $183,800,000.

(2) For weapons, including missiles and torpedoes, $165,500,000.

(3) For other procurement, $30,800,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for the Marine Corps in the amount of $429,600,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $104,500,000.

(d) AVAILABILITY OF CERTAIN AMOUNTS.—

(1) AVAILABILITY.—Of the amount authorized to be appropriated by subsection (b), $340,400,000 shall be available for purposes as follows:

(A) Procurement of up-armored high mobility multipurpose wheeled vehicles (UAHs).

(B) Procurement of wheeled vehicle add-on armor protection, including armor for M1151/M1152 high mobility multipurpose wheeled vehicles.

(C) Procurement of M1151/M1152 high mobility multipurpose wheeled vehicles.

(2) ALLOCATION OF FUNDS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of the Navy shall allocate the manner in which amounts available under paragraph (1) shall be available for the purposes specified in that paragraph.

(B) LIMITATION.—Amounts available under paragraph (1) may not be allocated under subparagraph (A) until the Secretary certifies to the congressional defense committees that the Marine Corps has a validated requirement for procurement for a purpose specified in paragraph (1) based on a statement of urgent needs from a commander of a combatant command.

(C) REPORTS.—Not later than 15 days after an allocation of funds is made under subparagraph (A), the Secretary shall submit to the congressional defense committees a report describing such allocation of funds.

**SEC. 1405. AIR FORCE PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts for the Air Force in the amounts as follows:

(1) For aircraft, $104,700,000.

(2) For other procurement, $51,900,000.

**SEC. 1406. OPERATION AND MAINTENANCE.**

Funds are hereby authorized to be appropriated for fiscal year 2006 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $22,139,775,000, of which $200,000,000 may be made available for linguistic support operations in Iraq and Afghanistan.

(2) For the Navy, $1,944,300,000.

(3) For the Marine Corps, $1,808,231,000.

(4) For the Air Force, $2,635,555,000.

(5) For Defense-wide activities, $3,470,118,000.

(6) For the Naval Reserve, $2,400,000.

**SEC. 1407. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, the Defense Health Program, in the amount of $977,778,000, for operation and maintenance.

**SEC. 1408. MILITARY PERSONNEL.**

Funds are hereby authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2006 in amounts as follows:

(1) For military personnel of the Army, $9,517,643,000.

(2) For military personnel of the Navy, $350,000,000.

(3) For military personnel of the Marine Corps, $811,771,000.

(4) For military personnel of the Air Force, $916,559,000.

**SEC. 1409. IRAQ FREEDOM FUND.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the Iraq Freedom Fund in the amount of $3,880,270,000.

(b) LIMITATION ON AVAILABILITY OF CERTAIN AMOUNT.—Of the amount authorized to be appropriated by subsection (a), not less than $500,000,000 shall be available only for support of activities of the Joint Improvised Explosive Device Task Force.

(c) TRANSFER.—

(1) TRANSFER AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and evaluation accounts of the Department of Defense.

(D) Procurement accounts of the Department of Defense.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until 5 days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account, and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

**SEC. 1410. TRANSFER AUTHORITY.**

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) TRANSFER AUTHORIZED.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2006 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION ON AGGREGATE AMOUNT.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,500,000,000.

(3) CONSTRUCTION WITH OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to any other transfer authority available to the Secretary of Defense.

(b) OTHER LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred;

(2) may not be used to provide authority for an item that has been denied authorization by Congress; and

(3) may not be combined with the authority under section 1001.

(c) NOTICE AND WAIT.—A transfer may be made under the authority of this section only after the Secretary—

(1) consults with the Chairmen and Ranking Members of each of the congressional defense committees with respect to such transfer; and

(2) on a date after consultation under paragraph (1), but not later than five days before the date of such transfer, submits to the congressional defense committees written notice of such transfer.

(d) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

## DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

**SEC. 2001. SHORT TITLE.**

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2006''.

## TITLE XXI—ARMY

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

| State | Installation or location | Amount |
|---|---|---|
| Alabama | Redstone Arsenal | $20,000,000 |
| Alaska | Fort Richardson | $4,700,000 |
| | Fort Wainwright | $44,660,000 |
| Arizona | Yuma Proving Ground | $8,100,000 |
| California | Fort Irwin | $17,000,000 |
| | Concord | $11,850,000 |
| Colorado | Fort Carson | $70,622,000 |
| Georgia | Fort Benning | $28,211,000 |
| | Fort Gillem | $8,450,000 |
| | Fort Stewart/Hunter Army Air Field | $57,980,000 |
| Hawaii | Pohakuloa Training Area | $60,300,000 |
| | Schofield Barracks | $53,900,000 |
| Kansas | Fort Riley | $33,900,000 |
| Kentucky | Fort Campbell | $112,875,000 |
| Louisiana | Fort Polk | $28,887,000 |
| Missouri | Fort Leonard Wood | $17,000,000 |
| New Jersey | Picatinny Arsenal | $4,450,000 |
| New York | Fort Drum | $73,350,000 |
| | United States Military Academy, West Point | $4,000,000 |
| North Carolina | Fort Bragg | $289,850,000 |
| Oklahoma | Fort Sill | $5,850,000 |
| | McAlester Army Ammunition Plant | $5,400,000 |
| Pennsylvania | Letterkenny Depot | $6,300,000 |
| Texas | Fort Hood | $46,438,000 |
| | Fort Sam Houston | $7,000,000 |
| Utah | Dugway Proving Ground | $25,000,000 |
| Virginia | Fort A.P. Hill | $2,700,000 |
| | Fort Belvoir | $18,000,000 |
| | Fort Eustis | $3,100,000 |
| | Fort Myer | $15,200,000 |
| Washington | Fort Lewis | $99,949,000 |
| | Total | $2,000,622,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

| Country | Installation or location | Amount |
|---|---|---|
| Germany | Grafenwoehr | $84,081,000 |
| Italy | Pisa | $5,254,000 |
| Korea | Camp Humphreys | $99,162,000 |
| | Yongpyong | $1,450,000 |
| | Total | $189,947,000 |

**SEC. 2102. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

| State | Installation or location | Purpose | Amount |
|---|---|---|---|
| Alaska | Fort Richardson | 117 Units | $49,000,000 |
| | Fort Wainwright | 180 Units | $91,000,000 |
| Arizona | Fort Huachuca | 131 Units | $31,000,000 |
| | Yuma Proving Grounds | 35 Units | $11,200,000 |
| Oklahoma | Fort Sill | 129 Units | $24,000,000 |
| Virginia | Fort Lee | 96 Units | $19,500,000 |
| | Fort Monroe | 21 Units | $6,000,000 |
| Total | | | $231,700,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $17,536,000.

**SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $300,400,000.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,972,142,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $1,012,722,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $189,947,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $20,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $163,215,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $549,636,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $812,993,000.

(6) For the construction of phase 2 of a barracks complex at Fort Campbell, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–375; 118 Stat. 2101), $24,650,000.

(7) For the construction of phase 3 of the Lewis & Clark instructional facility at Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1697), $42,642,000.

(8) For the construction of phase 2 of trainee barracks basic training complex 1 at Fort Knox, Kentucky, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $21,000,000.

(9) For the construction of phase 2 of a barracks complex renewal at Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $30,611,000.

(10) For the construction of phase 2 of a library and learning center at the United States Military Academy, West Point, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $25,470,000.

(11) For the construction of phase 2 of a barracks complex at Vilseck, Germany, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1698), $13,600,000.

(12) For the construction of phase 2 of a vehicle maintenance facility at Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $24,656,000.

(13) For the construction of phase 2 of the Drum Road upgrade at Helemano Military Reservation, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2101), $41,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $16,500,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, 10300 block, Fort Drum, New York).

(3) $31,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for the 2nd Brigade, Fort Bragg, North Carolina).

(4) $77,400,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for DIVARTY, Fort Bragg, North Carolina).

(5) $50,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex for the 3rd Brigade, Fort Bragg, North Carolina).

(6) $13,000,000 (the balance of the amount authorized under section 2101(a) for construction of a defense access road, Fort Belvoir, Virginia).

## TITLE XXII—NAVY

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

| State | Installation or location | Amount |
|---|---|---|
| Arizona | Marine Corps Air Station, Yuma | $3,637,000 |
| California | Marine Corps Air Station, Camp Pendleton | $1,400,000 |
| | Marine Corps Base, Camp Pendleton. | $90,437,000 |
| | Naval Air Station, Lemoore | $8,480,000 |
| | Naval Air Warfare Center, China Lake. | $19,158,000 |
| Connecticut | Naval Submarine Base, New London. | $4,610,000 |
| Florida | Naval Air Station, Jacksonville | $88,603,000 |
| | Naval Air Station, Pensacola | $8,710,000 |
| | Naval Station, Mayport | $10,750,000 |
| | Navy Diving and Salvage Training Center, Panama City | $9,678,000 |
| | Whiting Field | $4,670,000 |
| Georgia | Albany Depot | $4,000,000 |
| | Navy Submarine Base, Kings Bay | $3,000,000 |
| Hawaii | Marine Corps Air Station, Kaneohe Bay | $5,700,000 |
| | Naval Base, Pearl Harbor | $29,700,000 |
| Illinois | Recruit Training Command, Great Lakes | $167,750,000 |
| Indiana | Naval Warfare Center, Crane | $8,220,000 |
| Maine | Naval Shipyard, Portsmouth | $8,100,000 |
| Maryland | Naval Air Warfare Center, Patuxent River | $5,800,000 |
| | United States Naval Academy, Annapolis | $51,720,000 |
| Mississippi | Naval Air Station, Meridian | $10,450,000 |
| North Carolina | Marine Corps Air Station, Cherry Point | $27,147,000 |
| | Marine Corps Base, Camp Lejeune | $44,590,000 |
| | Marine Corps Air Station, New River | $6,840,000 |
| Rhode Island | Naval Station, Newport | $10,620,000 |
| Texas | Naval Air Station, Kingsville | $6,010,000 |
| Virginia | Marine Corps Air Field, Quantico | $19,698,000 |
| | Marine Corps Base, Quantico | $4,000,000 |
| | Naval Air Station, Oceana | $11,680,000 |
| | Naval Amphibious Base, Little Creek. | $36,034,000 |
| | Naval Station, Norfolk | $111,033,000 |
| | Naval Surface Warfare Center, Dahlgren | $9,960,000 |
| Washington | Naval Station, Everett | $70,950,000 |
| | Naval Submarine Base, Bangor | $60,160,000 |
| Total | | $963,295,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amount, set forth in the following table:

Navy: Outside the United States

| Country | Installation or location | Amount |
|---|---|---|
| Guam | Naval Station, Guam | $55,473,000 |
| Total | | $55,473,000 |

**SEC. 2202. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installation or location, for the purpose, and in the amount set forth in the following table:

Navy: Family Housing

| State | Installation or Location | Purpose | Amount |
|---|---|---|---|
| Guam | Naval Station, Guam | 126 Units | $43,495,000 |
| Total | | | $43,495,000 |

**SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $178,644,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,918,465,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $761,751,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $25,584,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $1.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $54,507,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $222,139,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $593,660,000.

(6) For the construction of increment 2 of the Presidential Helicopter program support facility at Naval Air Warfare Station, Patuxent River, Maryland, authorized by section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $55,700,000.

(7) For the construction of increment 2 of the apron and hangar recapitalization at Naval Air Field, El Centro, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), $18,666,000.

(8) For the construction of increment 3 of pier 11 replacement at Naval Station, Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $40,200,000.

(9) For the construction of increment 2 of the limited area production and storage complex at Strategic Weapons Facility Pacific, Bangor, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $47,095,000.

(10) For the construction of increment 2 of a White Side complex at Marine Corps Air Facility, Quantico, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), $34,730,000.

(11) For the construction of increment 3 of the general purpose berthing pier at Naval Weapons Station, Earle, New Jersey, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704), $64,432,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $43,424,000 (the balance of the amount authorized under section 2201(a) to replace a helicopter hangar, Naval Air Station, Jacksonville, Florida).

(3) $45,850,000 (the balance of the amount authorized under section 2201(a) to upgrade infrastructure, Recruit Training Command, Great Lakes, Illinois).

(4) $26,790,000 (the balance of the amount authorized under section 2201(a) for construction of the Wesley Brown Field House, United States Naval Academy, Annapolis, Maryland).

(5) $31,059,000 (the balance of the amount authorized under section 2201(a) to replace ship repair pier 3, Naval Station, Norfolk, Virginia).

(6) $21,000,000 (the balance of the amount authorized under section 2201(a) for construction of a bachelor enlisted quarters for the homeport ashore program, Naval Station, Everett, Washington).

(7) $33,421,000 (the balance of the amount authorized under section 2201(a) to perform reclamation and conveyance activities, Marine Corps Base, Camp Pendleton, California).

(8) $29,889,000 (the balance of the amount authorized under section 2201(b) to improve Alpha/Bravo wharves, Naval Station, Guam).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (11) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $92,354,000, which represents prior year savings.

**SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECTS.**

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECTS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106) is amended—

(1) in the item relating to Marine Corps Air Facility, Quantico, Virginia, by striking ''$73,838,000'' in the amount column and inserting ''$74,470,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$952,687,000''.

(b) MODIFICATION OF UNSPECIFIED WORLDWIDE PROJECT.—The table in section 2201(c) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106) is amended—

(1) in the item relating to Unspecified Worldwide, by striking ''$105,982,000'' in the amount column and inserting ''$95,200,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$95,200,000''.

(c) CONFORMING AMENDMENTS.—Section 2204(b) of that Act (118 Stat. 2108) is amended—

(1) in paragraph (4), by striking ''$34,098,000'' and inserting ''$34,730,000''; and

(2) in paragraph (7), by striking ''$65,982,000'' and inserting ''$55,200,000''.

**SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2004 PROJECT.**

(a) MODIFICATION OF INSIDE THE UNITED STATES PROJECT.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1704) is amended—

(1) in the item relating to Naval Weapons Station, Earle, New Jersey, by striking ''$123,720,000'' in the amount column and inserting ''$140,372,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,352,524,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of that Act is amended by striking ''$96,980,000'' and inserting ''$113,652,000''.

## TITLE XXIII—AIR FORCE

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

| State | Installation or location | Amount |
|---|---|---|
| Alabama | Maxwell Air Force Base. | $14,900,000 |
| Alaska | Clear Air Station | $20,000,000 |
| | Elmendorf Air Force Base. | $84,820,000 |
| Arizona | Davis-Monthan Air Force Base. | $8,600,000 |

Air Force: Inside the United States—Continued

| State | Installation or location | Amount |
|---|---|---|
| | Luke Air Force Base | $13,000,000 |
| Arkansas | Little Rock Air Force Base. | $2,500,000 |
| California | Beale Air Force Base | $14,200,000 |
| | Edwards Air Force Base. | $103,000,000 |
| | Travis Air Force Base | $42,500,000 |
| | Vandenberg Air Force Base. | $16,845,000 |
| Colorado | Buckley Air Force Base. | $20,100,000 |
| | Peterson Air Force Base. | $12,800,000 |
| | United States Air Force Academy. | $13,000,000 |
| Delaware | Dover Air Force Base | $19,000,000 |
| District of Columbia. | Bolling Air Force Base | $14,900,000 |
| Florida | Cape Canaveral | $6,200,000 |
| | Hurlburt Field | $2,540,000 |
| | MacDill Air Force Base. | $107,200,000 |
| | Tyndall Air Force Base. | $11,500,000 |
| Georgia | Robins Air Force Base | $2,000,000 |
| Hawaii | Hickam Air Force Base. | $13,378,000 |
| Idaho | Mountain Home Air Force Base. | $9,835,000 |
| Louisiana | Barksdale Air Force Base. | $10,800,000 |
| Massachusetts. | Hanscom Air Force Base. | $3,900,000 |
| Mississippi | Columbus Air Force Base. | $10,000,000 |
| | Keesler Air Force Base | $47,500,000 |
| Missouri | Whiteman Air Force Base. | $5,721,000 |
| Montana | Malmstrom Air Force Base. | $13,500,000 |
| Nebraska | Offutt Air Force Base | $63,080,000 |
| Nevada | Indian Springs Air Force Auxiliary Field | $60,724,000 |
| | Nellis Air Force Base | $24,370,000 |
| New Jersey | McGuire Air Force Base. | $13,185,000 |
| New Mexico. | Holloman Air Force Base. | $15,000,000 |
| | Kirtland Air Force Base. | $6,600,000 |
| North Dakota. | Minot Air Force Base | $8,700,000 |
| Ohio | Wright-Patterson Air Force Base. | $19,670,000 |
| Oklahoma | Tinker Air Force Base | $31,960,000 |
| | Vance Air Force Base | $14,000,000 |
| South Carolina. | Charleston Air Force Base. | $2,583,000 |
| | Shaw Air Force Base | $9,730,000 |
| South Dakota. | Ellsworth Air Force Base. | $8,400,000 |
| Texas | Sheppard Air Force Base. | $36,000,000 |
| Utah | Hill Air Force Base | $33,900,000 |
| Virginia | Langley Air Force Base. | $38,665,000 |
| Washington. | Fairchild Air Force Base. | $8,200,000 |
| Total | | $1,039,006,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts set forth in the following table:

Air Force: Outside the United States

| Country | Installation or location | Amount |
|---|---|---|
| Germany | Ramstein Air Base | $11,650,000 |
| | Spangdahlem Air Base | $12,474,000 |
| Guam | Andersen Air Base | $18,500,000 |
| Italy | Aviano Air Base | $22,660,000 |
| Korea | Kunsan Air Base | $44,188,000 |
| | Osan Air Base | $39,719,000 |
| Portugal | Lajes Field, Azores | $12,000,000 |
| Turkey | Incirlik Air Base | $5,780,000 |
| United Kingdom. | Royal Air Force, Lakenheath. | $5,125,000 |
| | Royal Air Force, Mildenhall. | $13,500,000 |
| Total | | $185,596,000 |

**SEC. 2302. FAMILY HOUSING.**

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

| State | Installation or location | Purpose | Amount |
|---|---|---|---|
| Alaska | Eielson Air Force Base | 392 Units | $55,794,000 |
| California | Edwards Air Force Base | 226 Units | $59,699,000 |
| Florida | MacDill Air Force Base | 109 Units | $40,982,000 |
| Idaho | Mountain Home Air Force Base | 194 Units | $56,467,000 |
| Missouri | Whiteman Air Force Base | 111 Units | $26,917,000 |
| Montana | Malmstrom Air Force Base | 296 Units | $68,971,000 |
| North Carolina | Seymour Johnson Air Force Base | 255 Units | $48,868,000 |
| North Dakota | Grand Forks Air Force Base | 300 Units | $86,706,000 |
| | Minot Air Force Base | 223 Units | $44,548,000 |
| South Carolina | Charleston Air Force Base | 10 Units | $15,935,000 |
| South Dakota | Ellsworth Air Force Base | 60 Units | $14,383,000 |
| Texas | Dyess Air Force Base | 190 Units | $43,016,000 |
| Germany | Ramstein Air Base | 101 Units | $62,952,000 |
| Turkey | Incirlik Air Base | 100 Units | $22,730,000 |
| United Kingdom | Royal Air Force, Lakenheath | 107 Units | $48,437,000 |
| Total | | | $696,405,000 |

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $37,104,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $409,113,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $3,007,882,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $914,006,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $185,596,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $83,719,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $1,142,622,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $766,939,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1), (2), and (3) of subsection (a).

(2) $30,000,000 (the balance of the amount authorized under section 2301(a) for a C–17 maintenance complex, Elmendorf Air Force Base, Alaska).

(3) $66,000,000 (the balance of the amount authorized under section 2301(a) to replace the main runway, Edwards Air Force Base, California).

(4) $29,000,000 (the balance of the amount authorized under section 2301(a) for construction of a joint intelligence center for Headquarters, Central Command, MacDill Air Force Base, Florida).

**TITLE XXIV—DEFENSE AGENCIES**

**SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

| Agency | Installation or location | Amount |
|---|---|---|
| Defense Intelligence Agency. | Bolling Air Force Base, District of Columbia | $7,900,000 |
| Defense Logistics Agency. | Cannon Air Force Base, New Mexico | $13,200,000 |
| | Defense Distribution Depot, New Cumberland, Pennsylvania | $6,500,000 |
| | Defense Distribution Depot, Tracy, California | $33,635,000 |
| | Fort Belvoir, Virginia | $4,500,000 |
| | Marine Corps Air Station Yuma, Arizona | $7,300,000 |

Defense Agencies: Inside the United States—Continued

| Agency | Installation or location | Amount |
|---|---|---|
| | McConnell Air Force Base, Kansas | $15,800,000 |
| | Miramar, California | $23,000,000 |
| | Naval Station, Norfolk, Virginia | $6,700,000 |
| | Seymour Johnson Air Force Base, North Carolina | $18,500,000 |
| Defense Education Agency. | Fort Bragg, North Carolina | $18,075,000 |
| | Fort Stewart/Hunter Army Air Field, Georgia | $16,629,000 |
| National Security Agency. | Augusta, Georgia | $61,466,000 |
| | Fort Meade, Maryland | $28,049,000 |
| | Kunia, Hawaii | $61,466,000 |
| Special Operations Command. | Eglin Air Force Base, Florida | $12,800,000 |
| | Fort Bragg, North Carolina | $14,769,000 |
| | Fort Campbell, Kentucky | $37,800,000 |
| | Fort Lewis, Washington | $53,300,000 |
| | Fort Stewart/Hunter Army Air Field, Georgia | $10,000,000 |
| | Naval Surface Warfare Center, Corona, California | $28,350,000 |
| TRICARE Management Activity | Beale Air Force Base, California | $18,000,000 |
| | Charleston, South Carolina | $35,000,000 |
| | Fort Detrick, Maryland | $55,200,000 |
| | Keesler Air Force Base, Mississippi | $14,000,000 |
| | Lackland Air Force Base, Texas | $11,000,000 |
| | Naval Hospital, San Diego, California | $15,000,000 |
| | Nellis Air Force Base, Nevada | $1,700,000 |
| | Uniformed Services University of the Health Sciences, Bethesda, Maryland | $10,350,000 |
| | Peterson Air Force Base, Colorado | $1,820,000 |
| Total | | $641,809,000 |

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

| Agency | Installation or location | Amount |
|---|---|---|
| Defense Education Agency | Landstuhl, Germany | $6,543,000 |
| | Vilseck, Germany | $2,323,000 |
| | Agana, Guam | $40,578,000 |
| | Taegu, Korea | $8,231,000 |
| | Naval Station, Rota, Spain. | $7,963,000 |
| Defense Logistics Agency | Souda Bay, Greece | $7,089,000 |
| Missile Defense Agency | Kwajalien Atoll, Kwajalien. | $4,901,000 |
| National Security Agency | Menwith Hall, United Kingdom. | $41,697,000 |
| TRICARE Management Activity | Bahrain, SWA | $4,750,000 |
| Total | | $124,075,000 |

**SEC. 2402. ENERGY CONSERVATION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $60,000,000.

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $2,973,914,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $641,809,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $123,104,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $15,736,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $135,081,000.

(6) For energy conservation projects authorized by section 2403 of this Act, $60,000,000.

(7) For base closure and realignment activities funded through the account created pursuant to section 2906 of, and authorized by, 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), $377,827,000.

(8) For base closure and realignment activities funded through the account created pursuant to section 2906A of, and authorized by, 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), $1,504,466,000.

(9) For military family housing functions:

(A) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $46,391,000.

(B) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $2,500,000.

(10) For the construction of increment 2 of the hospital replacement at Fort Belvoir, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2100), $57,000,000.

(b) NOTICE AND WAIT REQUIREMENT APPLICABLE TO OBLIGATION OF FUNDS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES.—None of the funds authorized to be appropriated by subsection (a)(8) may be obligated until 21 days after the date on which the Secretary of Defense submits to the congressional defense committees a report describing the specific programs, projects, and activities for which such funds are to be obligated.

## TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

**SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $206,858,000.

## TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

**SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2005, for the costs of acquisition, architectural and engineering services, and construction of facilities for the reserve components, and for contributions therefore, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $445,100,000; and

(B) for the Army Reserve, $121,077,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $50,226,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $264,061,000; and

(B) for the Air Force Reserve, $79,260,000.

**SEC. 2602. SPECIFIC AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION PROJECTS.**

Of the amount authorized to be appropriated for the Department of the Army for the Army National Guard of the United States under section 2601(1)(A)—

(1) $1,500,000 is available for the construction of an urban combat course at Camp Roberts, California; and

(2) $1,500,000 is available for the addition or alteration of a field maintenance shop at Fort Dodge, Iowa.

**SEC. 2603. CONSTRUCTION OF FACILITIES, NEW CASTLE COUNTY AIRPORT AIR GUARD BASE, DELAWARE.**

Of the amount authorized to be appropriated for the Department of the Air Force for the Air National Guard of the United States under section 2601(3)(A)—

(1) $1,400,000 is available for the construction of a security forces facility at New Castle County Airport Air Guard Base, Delaware; and

(2) $1,500,000 is available for the construction of a medical training facility at New Castle County Airport Air Guard Base, Delaware.

## TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

**SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2009.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2008; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2009 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

**SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2003 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2681), authorizations set forth in the tables in subsection (b), as provided in sections 2301, 2302, and 2401 of that Act, shall remain in effect until October 1, 2006, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Air Force: Extension of 2003 Project Authorizations

| State | Installation or location | Project | Amount |
|---|---|---|---|
| Florida | Eglin Air Force Base | Replace family housing (134 Units) | $15,906,000 |
| Florida | Eglin Air Force Base | Replace Family Housing Office | $597,000 |
| Mississippi | Keesler Air Force Base | Replace family housing (117 Units) | $16,505,000 |
| Texas | Randolph Air Force Base | Replace family housing (112 Units) | $14,311,000 |
| Texas | Randolph Air Force Base | Replace Housing Maintenance Facility | $447,000 |
| Italy | Aviano Air Base | Consolidate Area A–1 and A–2 | $5,000,000 |

Defense Wide: Extension of 2003 Project Authorization

| Agency | Installation or location | Project | Amount |
|---|---|---|---|
| Special Operations Command | Stennis Space Center, Mississippi | SOF Training Range | $5,000,000 |

**SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2002 PROJECTS.**

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1301), authorizations set forth in the tables in subsection (b), as provided in sections 2101 and 2302 of that Act, shall remain in effect until October 1, 2006, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2007, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 2002 Project Authorization

| State | Installation or location | Project | Amount |
|---|---|---|---|
| Hawaii | Pohakuloa Training Facility | Land purchase | $1,500,000 |

Air Force: Extension of 2002 Project Authorization

| State | Installation or location | Project | Amount |
|---|---|---|---|
| Louisiana | Barksdale Air Force Base | Replace family housing (56 Units) | $7,300,000 |

**SEC. 2704. EFFECTIVE DATE.**

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 2005; or

(2) the date of the enactment of this Act.

## TITLE XXVIII—GENERAL PROVISIONS

### Subtitle A—Military Construction Program and Military Family Housing Changes

**SEC. 2801. INCREASE IN THRESHOLDS FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.**

(a) INCREASE.—Section 2805(a)(1) of title 10, United States Code, is amended—

(1) by striking ''$1,500,000'' and inserting ''$2,500,000''; and

(2) by striking ''$3,000,000'' and inserting ''$4,000,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2005.

**SEC. 2802. MODIFICATION OF COST VARIATION AUTHORITY.**

(a) LIMITATION ON COST DECREASES RELATED TO MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''may be increased by not more than 25 percent'' and inserting ''may be increased or decreased by not more than 25 percent''; and

(B) by striking ''if the Secretary concerned determines that such an increase in cost is required'' and inserting ''if the Secretary concerned determines that such revised cost is required'';

(2) in subsection (c)—

(A) by striking ''limitation on cost increase'' and inserting ''limitation on cost variations''; and

(B) by striking ''the increase'' both place it appears and inserting ''the variation''; and

(3) in subsection (d), by striking ''limitation on cost increases'' and inserting ''limitation on cost variations''.

(b) ADDITIONAL INFORMATION REQUIRED FOR NOTIFICATION IN CONNECTION WITH WAIVER OF LIMITATIONS ON COST INCREASES.—Subsection (c)(2) of such section is further amended by inserting after ''the reasons therefor'' the following: '', including a description of the funds proposed to be used to finance any increased costs''.

(c) TECHNICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

**''§ 2853. Authorized cost and scope of work variations''.**

(2) TABLE OF SECTIONS.—The item relating to such section in the table of sections at the beginning of chapter 169 of such title is amended to read as follows:

''2853. Authorized cost and scope of work variations.''.

**SEC. 2803. DEPARTMENT OF DEFENSE HOUSING FUNDS.**

(a) REQUIREMENT TO FUND CERTAIN ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING SOLELY THROUGH DEFENSE HOUSING FUNDS.—Subsection (e) of section 2883 of title 10, United States Code, is amended—

(1) by striking ''The Secretary'' and inserting ''(1) The Secretary''; and

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

''(2) The Funds established under subsection (a) shall be the sole source of funds for activities carried out under this subchapter.''.

(b) AUTHORITY TO TRANSFER FUNDS APPROPRIATED FOR THE IMPROVEMENT OF MILITARY FAMILY HOUSING TO DEFENSE HOUSING FUNDS.—Subsection (c)(1)(B) of such section is amended by striking ''acquisition or construction'' and inserting ''acquisition, improvement, or construction''.

(c) REPORTING REQUIREMENTS RELATED TO DEPARTMENT OF DEFENSE HOUSING FUNDS.—Section 2884 of such title is amended—

(1) in subsection (a)(2)(D), by inserting after ''description of the source of such funds'' the following: '', including a description of the specific construction, acquisition, or improvement projects from which funds were transferred to the Funds established under section 2883 of this title in order to finance the contract, conveyance, or lease''; and

(2) in subsection (b)(1)—

(A) by striking ''a report'' and inserting ''a separate report'';

(B) by striking ''covering the Funds'' and inserting ''covering each of the Funds''; and

(C) by striking the period at the end and inserting the following: '', including a description of the specific construction, acquisition, or improvement projects from which funds were transferred and the privatization projects or contracts to which those funds were transferred. Each report shall also include, for each military department or defense agency, a description of all funds to be transferred to such Funds for the current fiscal year and the next fiscal year.''.

**SEC. 2804. TEMPORARY AUTHORITY TO USE MINOR MILITARY CONSTRUCTION AUTHORITY FOR CONSTRUCTION OF CHILD DEVELOPMENT CENTERS.**

(a) THRESHOLDS ON CONSTRUCTION AUTHORIZED.—The Secretary of Defense shall establish a program to carry out minor military construction projects under section 2805 of

title 10, United States Code, to construct child development centers.

(b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO MINOR CONSTRUCTION PROJECTS.—For the purpose of any military construction project carried out under the authority provided by this section—

(1) the amount specified in the second sentence of subsection (a)(1) of section 2805 of title 10, United States Code, shall be deemed to be $7,000,000;

(2) the amount specified in the third sentence of subsection (a)(1) of such section shall be deemed to be $8,000,000;

(3) the amount specified in subsection (b)(1) of such section shall be deemed to be $5,000,000;

(4) the amount specified in subsection (c)(1)(A) of such section shall be deemed to be $7,000,0000; and

(5) the amount specified in subsection (c)(1)(B) of such section shall be deemed to be $5,000,000.

(c) PROGRAM REQUIREMENTS.—

(1) NOTIFICATION.—All notification requirements under such section shall remain in effect for construction projects carried out under the authority provided by this section.

(2) REVIEW AND APPROVAL.—The Secretary shall establish procedures for the review and approval of requests from the Secretaries of military departments to carry out construction projects under the authority provided by this section.

(d) REPORT ON PROGRAM.—

(1) REPORT REQUIRED.—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report on the program authorized under this section.

(2) CONTENT.—The report shall include—

(A) a list and description of the construction projects carried out under the program, including the location and cost of each such project; and

(B) the assessment of the Secretary of the advisability of extending or expanding the authority for the program under this section.

(e) EXPIRATION OF AUTHORITY.—The authority provided by this section expires on September 30, 2007.

(f) CONSTRUCTION OF AUTHORITY.—Nothing in this section may be construed to limit any other authority provided by law for a military construction project at a child development center.

(g) CHILD DEVELOPMENT CENTER DEFINED.—In this section, the term ''child development center'' includes a facility, and the utilities to support such facility, the function of which is to support the daily care of children aged 6 weeks old through 5 years old for full-day, part-day, and hourly service.

**SEC. 2805. INAPPLICABILITY TO CHILD DEVELOPMENT CENTERS OF RESTRICTION ON AUTHORITY TO ACQUIRE OR CONSTRUCT ANCILLARY SUPPORTING FACILITIES.**

Section 2881(b) of title 10, United States Code, is amended by inserting '', other than a project for the acquisition or construction of a child development center,'' after ''A project referred to in subsection (a)''.

**SEC. 2806. AUTHORITY TO CARRY OUT EXCHANGES OF FACILITIES INCLUDING ASSOCIATED UTILITIES, EQUIPMENT, AND FURNISHINGS.**

(a) IN GENERAL.—Section 18240 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) FACILITY DEFINED.—In this section, the term 'facility' includes—

''(1) any facility, as that term is defined in section 18232(2) of this title; and

''(2) any associated utilities, equipment, and furnishings required to be installed in any such facility.''.

(b) TEMPORARY AUTHORITY RELATED TO CASH EQUALIZATION PAYMENTS.—Section 2809(c)(4) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2127) is amended by striking ''the term 'facility' has the meaning given that term in section 18232(2) of title 10, United States Code'' and inserting the following: ''the term 'facility' has the meaning given that term in section 18240(h) of title 10, United States Code''.

**SEC. 2807. INCREASE IN NUMBER OF FAMILY HOUSING UNITS IN KOREA AUTHORIZED FOR LEASE BY THE ARMY AT MAXIMUM AMOUNT.**

Section 2828(e)(4) of title 10, United States Code, is amended by striking ''2,400'' and inserting ''2,800''.

**Subtitle B—Real Property and Facilities Administration**

**SEC. 2821. AUTHORITY TO LEASE NON-EXCESS PROPERTY OF DEPARTMENT OF DEFENSE FIELD ACTIVITIES.**

Section 2667a of title 10, United States Code, is amended—

(1) by amending the heading to read as follows:

**''§ 2667a. Leases: non-excess property of Defense Agencies and Department of Defense Field Activities'';**

(2) in subsection (a)(1), by striking ''Defense agency'' and inserting ''Defense Agency or Department of Defense Field Activity''; and

(3) in subsection (d)—

(A) by striking ''Defense agency'' and inserting ''Defense Agency or Department of Defense Field Activity''; and

(B) by striking ''a Defense agency's special account'' and inserting ''the special account of a Defense Agency or Department of Defense Field Activity''.

**SEC. 2822. MODIFIED CRITERIA FOR AGREEMENTS TO LIMIT ENCROACHMENTS AND OTHER CONSTRAINTS ON MILITARY TRAINING, TESTING, AND OPERATIONS.**

(a) MODIFIED CRITERIA.—Section 2684a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''or entities'' after ''entity''; and

(B) by striking ''in the vicinity of a military installation'' and inserting ''in the vicinity of, or ecologically related to, a military installation or the airspace of such installation'';

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''An agreement with an eligible entity under this section may provide for'' and inserting ''An agreement with an eligible entity or entities under this section shall provide for'';

(ii) in subparagraph (A), by inserting ''or entities'' after ''entity''; and

(iii) by amending subparagraph (B) to read as follows:

''(B) the equal sharing by the Department of Defense and the entity or entities of the acquisition costs, whether by contribution of funding or like-kind exchange of property or lesser property interest.'';

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (4), (5), (6), and (7), respectively;

(C) by inserting after paragraph (1) the following new paragraphs:

''(2) The Secretary concerned may waive the requirement in paragraph (1)(B) to equally share acquisition costs if—

''(A) the Secretary determines that the agreement is essential to accomplish the mission of the installation;

''(B) the Secretary notifies the congressional defense committees in writing of the determination and the reasons for the determination; and

''(C) a period of 21 days has elapsed after the date on which such notification is received by the committees.

''(3) The acquisition cost of any lesser interest in the property may not exceed 70 percent of the appraised value of the property.''; and

(D) in paragraph (5), as redesignated by subparagraph (B), by inserting ''or entities'' after ''entity'';

(3) by redesignating subsection (h) as subsection (i); and

(4) by inserting after subsection (g) the following new subsection:

''(h) ANNUAL REPORTS.—(1) Not later than March 15, 2006, and annually thereafter, the Secretary of Defense shall, in coordination with the Secretaries of the military departments and the Director of the Department of Defense Test Management Resource Center, submit to the congressional defense committees a report on the implementation of projects undertaken pursuant to this section.

''(2) The reports submitted under paragraph (1) shall include—

(A) a description of the status of such projects;

(B) an assessment of the effectiveness of such projects and other actions undertaken pursuant to this section as part of a long-range strategy to ensure the sustainability of military test and training ranges, military installations, and associated airspace;

(C) an evaluation of the methodology and criteria used to select and prioritize projects undertaken pursuant to this section;

(D) a description of the shared costs by the Department of Defense and the eligible entity or entities under each agreement undertaken or proposed; and

(E) recommendations for any legislation or changes in regulations to increase the efficiency and effectiveness of actions taken under this section.''.

(b) APPLICABILITY OF MODIFIED CRITERIA.—The requirement under subsection (d)(1)(B) of such section (as amended by subsection (a)(2)(A)(iii)) that an agreement under such section shall provide for the equal sharing of acquisition costs by the Department of Defense and an eligible entity or entities shall not apply to an agreement initiated before the date of the enactment of this Act.

**Subtitle C—Land Conveyances**

**PART I—ARMY CONVEYANCES**

**SEC. 2841. LAND CONVEYANCE, HELENA, MONTANA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey by quitclaim deed to the Helena Indian Alliance, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 3.0 acres located at Sheridan Hall United States Army Reserve Center, 501 Euclid Avenue, Helena, Montana, including improvements thereon, for the purposes of supporting Native American health care, mental health counseling, and the operation of an education training center.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purposes of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall require the Helena Indian Alliance to cover costs to be incurred by the Secretary, or to

reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Helena Indian Alliance in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Alliance.

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

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

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

**SEC. 2842. LAND CONVEYANCE, ARMY RESERVE CENTER, BOTHELL, WASHINGTON.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Snohomish County Fire Protection District #10 (in this section referred to as the ''Fire District'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1.0 acres located at the Army Reserve Center, Bothell, Washington, for the purpose of permitting the Fire District to operate a fire station on the property.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) IN GENERAL.—The Secretary may require the Fire District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Fire District in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to Fire District.

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

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

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

**PART II—AIR FORCE CONVEYANCES**

**SEC. 2861. ACQUISITION OF BUILD-TO-LEASE FAMILY HOUSING AT EIELSON AIR FORCE BASE, ALASKA.**

(a) ACQUISITION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of the Air Force may purchase the entire interest of the developer in the military family housing project at Eielson Air Force Base, Alaska, described in paragraph (2) if the Secretary determines that the purchase is in the best economic interests of the Air Force.

(2) DESCRIPTION OF PROJECT.—The military family housing project referred to in this section is the 300-unit military family housing project at Eielson Air Force Base that was constructed by the developer and is leased by the Secretary under section 2835 of title 10, United States Code (in this section referred to as the ''Eielson housing project'').

(b) CONSIDERATION.—The consideration paid by the Secretary under this section for the interest of the developer in the Eielson housing project may not exceed an amount equal to the fair market value of such interest, as determined by the Secretary.

(c) TIME FOR PURCHASE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may make the purchase authorized by subsection (a) at any time after the end of the term of the lease for the Eielson housing project.

(2) NOTICE AND WAIT REQUIREMENT.—The Secretary may not make the purchase authorized by subsection (a) until 30 days after notifying the congressional defense committees of the Secretary's election to make such purchase.

**Subtitle D—Other Matters**

**SEC. 2881. REORGANIZATION AND TECHNICAL IMPROVEMENT OF CODIFIED LAWS APPLICABLE TO REAL PROPERTY OF THE DEPARTMENT OF DEFENSE.**

(a) CONSOLIDATION OF ACQUISITION AUTHORITY.—Section 2663 of title 10, United States Code, is amended—

(1) in the heading, by inserting ''**authority**'' after ''**Acquisition**'';

(2) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(B) by striking ''(a) The Secretary'' and inserting the following:

''(a) IN GENERAL.—(1) The Secretary''; and

(C) in paragraph (1)(C), as redesignated by this paragraph, by striking ''clause (2)'' and inserting ''subparagraph (B)'';

(3) by redesignating subsections (b), (c), and (d), as paragraphs (2), (3), and (4), respectively;

(4) by striking ''subsection (a)'' each place it appears and inserting ''paragraph (1)''; and

(5) by adding at the end the following new subsections:

''(b) LOW-COST INTERESTS IN LAND.—(1) The Secretary of a military department may acquire any interest in land that—

''(A) the Secretary determines—

''(i) is needed in the interest of national defense; and

''(ii) does not cost more than $750,000, exclusive of administrative costs and the amounts of any deficiency judgments; or

''(B) the Secretary determines—

''(i) is needed solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening; and

''(ii) does not cost more than $1,500,000, exclusive of administrative costs and the amounts of any deficiency judgments.

''(2) This subsection does not apply to the acquisition, as part of the same project, of more than one parcel of land unless—

''(A) the parcels are noncontiguous; or

''(B) if the parcels are contiguous—

''(i) the total cost of such parcels is not more than $750,000 in the case of an acquisition under paragraph (1)(A); or

''(ii) the total cost of such parcels is not more than $1,500,000 in the case of an acquisition under paragraph (1)(B).

''(3) Appropriations available to the Department of Defense for operation and maintenance or for military construction may be used for the acquisition of land or interests in land under paragraph (1).

''(c) INTERESTS IN LAND WHEN NEED IS URGENT.—(1) The Secretary of a military department may acquire any interest in land in any case in which the Secretary determines that—

''(A) the acquisition is needed in the interest of national defense;

''(B) the acquisition is required to maintain the operational integrity of a military installation; and

''(C) considerations of urgency do not permit the delay necessary to include the acquisition in an annual Military Construction Authorization Act.

''(2) Not later than 10 days after the date on which the Secretary of a military department determines to acquire an interest in land under the authority of this subsection, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives written notice containing a description of the property and interest to be acquired and the reasons for the acquisition.

''(3) Appropriations available for military construction may be used for the acquisition of land under this subsection.

''(d) SCOPE OF AUTHORITY.—The authority to acquire interests in real property (including a temporary interest) under this section includes authority to—

''(1) make surveys; and

''(2) acquire interests in real property by gift, purchase, exchange of real property owned by the United States, or otherwise.''.

(b) ACQUISITION LIMITATIONS.—

(1) TRANSFER OF LIMITATIONS.—Section 2676 of such title is—

(A) transferred to appear after section 2663 of such title; and

(B) redesignated as section 2664 of such title.

(2) STYLISTIC AND CLERICAL AMENDMENTS.—Section 2664 of such title, as redesignated by paragraph (1), is amended—

(A) by striking subsection (b);

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

(C) in subsection (b), as redesignated by subparagraph (B)—

(i) by striking ''determines (A) that such'' and inserting the following: ''determines that—

''(A) such'';

(ii) by striking ''cost, and (B) that such'' and inserting the following: ''cost; and

''(B) that such''; and

(iii) by striking ''subsection (d)'' and inserting ''subsection (c)'';

(D) in subsection (c), as so redesignated, by striking ''subsection (c)'' and inserting ''subsection (b)''; and

(E) in subsection (d), as so redesignated, by striking ''subsections (c) and (d)'' and inserting ''subsections (b) and (c)''.

(c) REPEAL OF CONSOLIDATED SECTIONS.—The following sections of chapter 159 of such title are repealed:

(1) Section 2672.

(2) Section 2672a.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(1) by amending the item relating to section 2663 to read as follows:

''2663. Acquisition authority.'';

(2) by inserting after the item relating to section 2663 the following new item:

''2664. Acquisition: limitations.''; and

(3) by striking the items relating to sections 2672, 2672a, and 2676.

(e) REPEAL OF OBSOLETE AUTHORITY.—Section 2665 of such title is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (a), (b), (c), (d), and (e), respectively;

(3) in subsection (b), as redesignated by paragraph (2), by striking ''subsection (a) or (b)'' and inserting ''subsection (a)''; and

(4) in paragraph (2) of subsection (e), as so redesignated—

(A) by striking ''subsections (a) and (b)'' and inserting ''subsection (a)'';

(B) by striking ''subsection (d)'' and inserting ''subsection (c)''; and

(C) by striking ''subsection (e)'' and inserting ''subsection (d)''.

(f) TRANSFER OF FORD ISLAND PROVISION.—

(1) TRANSFER AND REDESIGNATION.—Section 2814 of such title is—

(A) transferred to appear after section 7524 of such title; and

(B) redesignated as section 7525 of such title.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Subsection (i) of section 7525 of such title, as transferred and redesignated by paragraph (1), is amended—

(A) in paragraph (2)—

(i) by striking ''To extent'' and inserting ''To the extent; and

(ii) by striking ''this chapter'' and inserting ''chapter 169 of this title''; and

(B) in paragraph (3)(B), by striking ''this chapter'' and inserting ''chapter 169 of this title''.

(3) CLERICAL AMENDMENTS.—(A) The table of sections at the beginning of chapter 169 of such title is amended by striking the item relating to section 2814.

(B) The table of sections at the beginning of chapter 645 of such title is amended by adding at the end the following new item:

''7525. Special authority for development of Ford Island, Hawaii.''.

(g) APPLICATION OF REAL PROPERTY MANAGEMENT AUTHORITIES TO PENTAGON RESERVATION.—Section 2661 of such title is amended by adding at the end the following new subsection:

''(d) In this chapter, the terms 'Secretary concerned' and 'Secretary of a military department' include the Secretary of Defense with respect to the Pentagon Reservation.''.

**SEC. 2882. REPORT ON APPLICATION OF FORCE PROTECTION AND ANTI-TERRORISM STANDARDS TO LEASED FACILITIES.**

(a) REPORT REQUIRED.—Not later than May 1, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the application of Department of Defense Anti-Terrorism/Force Protection standards to all facilities leased by the Department of Defense or leased by the General Services Administration as an agent for the Department of Defense as of September 30, 2005.

(b) INFORMATION ON LEASED FACILITIES.—For each facility identified in the report submitted under subsection (a), the Secretary shall include the following:

(1) A description of the function of the leased facility, including the location, size, terms of lease, and the number of personnel housed within the facility.

(2) A description of the threat assessment and the joint security integrated vulnerability assessment for each leased facility.

(3) A description and cost estimate of any actions necessary to mitigate risk to an acceptable level in each leased facility.

(4) A description and cost estimate of the actions to be taken by the Secretary of Defense for each leased facility to ensure compliance with Department of Defense Anti-Terrorism/Force Protection standards.

(5) The total estimated cost of, and a proposed funding plan for, implementation of the force protection and anti-terrorism measures required to ensure the compliance of all leased facilities with Defense Anti-Terrorism/Force Protection standards.

(c) INFORMATION ON SUPPORT PRIORITIES.—The report submitted under subsection (a) shall also include a separate description of the procedures used by the Secretary of Defense to prioritize funding for the application of force protection and antiterrorism standards to leased facilities, including a description of any such procedures applicable to the entire Department of Defense.

(d) APPLICABILITY.—The reporting requirements under this section apply to any space or facility that houses 11 or more personnel in service to, or employed by, the Department of Defense.

**SEC. 2883. CONSTRUCTION AT FORT BUCHANAN, PUERTO RICO, FOR RESERVE COMPONENTS.–**

Section 1507(b)(2) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398, 114 Stat. 1654A–355) is amended to read as follows:

''(2) The construction, conversion, rehabilitation, extension, and improvement of reserve component and nonappropriated fund facilities.''.

**SEC. 2884. AUTHORITY TO USE PAPAGO PARK MILITARY RESERVATION, ARIZONA, FOR GENERAL MILITARY PURPOSES.**

Section 1 of the Act of April 7, 1930 (46 Stat. 142, chapter 107), is amended by striking ''reserved for military purposes for use of the National Guard of Arizona as a rifle range'' and inserting ''reserved for military purposes for use by the State of Arizona as a military installation known as Papago Park Military Reservation''.

**SEC. 2885. ONE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE LABORATORY REVITALIZATION PROGRAM.**

Section 2892(g) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2805 note), as amended by section 2891 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2154), is further amended by striking ''September 30, 2005'' and inserting ''September 30, 2006''.

**SEC. 2886. SENSE OF CONGRESS ON ESTABLISHMENT OF BAKERS CREEK MEMORIAL.**

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

(1) In 1943 and 1944, the United States Armed Forces operated a rest and relaxation facility in Mackay, Queensland, Australia, for troops serving in the Pacific Theater during World War II.

(2) On June 14, 1943, a Boeing B–17C was transporting 6 crew members and 35 servicemen from Mackay to Port Moresby, New Guinea, to return the servicemen to duty after 10 days of rest and relaxation leave at an Army/Red Cross facility.

(3) The aircraft crashed shortly after takeoff at Bakers Creek, Australia, killing all 6 crew members and 34 of the 35 servicemen being transported in what was at that point the worst crash in American air transport history, and what remains the worst air disaster in Australian history.

(4) Due to wartime censorship rules related to the movement of troops, the tragic crash and loss of life were not reported to the Australian or United States public.

(5) Many family members of those killed did not learn the circumstances of the troops deaths until they were contacted by the Bakers Creek Memorial Foundation beginning in 1992.

(6) As of May 2005, the Bakers Creek Memorial Foundation had contacted 36 of the 40 families that lost loved ones in the tragic crash, and was continuing efforts to locate the remaining four families to inform them of the true events of the crash at Bakers Creek.

(7) The Australian people marked the tragic crash at Bakers Creek with a memorial established in 1992, but no similar memorial has been established in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Army may establish an appropriate marker, at a site to be chosen at the discretion of the Secretary, to commemorate the 40 members of the United States Armed Forces who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943.

## DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

## TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

### Subtitle A—National Security Programs Authorizations

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $9,357,427,000, to be allocated as follows:

(1) For weapons activities, $6,590,319,000.

(2) For defense nuclear nonproliferation activities, $1,637,239,000.

(3) For naval reactors, $786,000,000.

(4) For the Office of the Administrator for Nuclear Security, $343,869,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for weapons activities as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 06–D–140, Readiness in Technical Base and Facilities Program (RTBF), project engineering and design, various locations, $19,113,000.

Project 06–D–402, replacement of Fire Stations Number 1 and Number 2, Nevada Test Site, Nevada, $8,284,000.

Project 06–D–403, tritium facility modernization, Lawrence Livermore National Laboratory, Livermore, California, $2,600,000.

Project 06–D–404, remediation, restoration, and upgrade of Building B–3, Nevada Test Site, Nevada, $16,000,000.

(2) For facilities and infrastructure recapitalization, the following new plant projects:

Project 06–D–160, Facilities and Infrastructure Recapitalization Program (FIRP), project engineering and design, various locations, $5,811,000.

Project 06–D–601, electrical distribution system upgrade, Pantex Plant, Amarillo, Texas, $4,000,000.

Project 06–D–602, gas main and distribution system upgrade, Pantex Plant, Amarillo, Texas, $3,700,000.

Project 06–D–603, Steam Plant Life Extension Project (SLEP), Y–12 National Security Complex, Oak Ridge, Tennessee, $729,000.

(3) For naval reactors, the following new plant project:

Project 06–N–901, Central Office Building 2, Bettis Atomic Power Laboratory, West Mifflin, Pennsylvania, $7,000,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL MANAGEMENT.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for environmental management activities in carrying out programs necessary for national security in the amount of $6,189,433,000, to be allocated as follows:

(1) For defense site acceleration completion, $5,335,849,000.

(2) For defense environmental services, $853,584,000.

(b) AUTHORIZATION OF NEW PLANT PROJECT.—From funds referred to in subsection (a)(1) that are available for carrying out plant projects, the Secretary of Energy may carry out, for environmental management activities, the following new plant project:

Project 06–D–401, sodium bearing waste treatment project, Idaho National Laboratory, Idaho Falls, Idaho, $15,000,000.

**SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for other defense activities in carrying out programs necessary for national security in the amount of $563,423,000.

**SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2006 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $301,447,000.

**Subtitle B—Other Matters**

**SEC. 3111. REPORT ON COMPLIANCE WITH DESIGN BASIS THREAT.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report detailing plans for achieving compliance under the Design Basis Threat issued by the Department of Energy in 2004.

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

(1) an implementation plan with associated funding requirements to achieve by September 30, 2007, compliance under the Design Basis Threat of all Department of Energy and National Nuclear Security Administration sites that contain nuclear weapons or special nuclear material; and

(2) an evaluation of options for applying security technologies and innovative protective force deployment to increase the efficiency and effectiveness of efforts to protect against the threats postulated in the Design Basis Threat.

(c) FORM.—The report required under subsection (a) shall be submitted in classified form with an unclassified summary.

**SEC. 3112. COST ESTIMATE FOR WASTE TREATMENT AND IMMOBILIZATION PLANT PROJECT, HANFORD SITE, RICHLAND, WASHINGTON.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees an independent cost estimate prepared by the Army Corps of Engineers for the Waste Treatment and Immobilization Plant project at the Hanford Site, Richland, Washington (in this section referred to as the ''project'').

(b) CONTENT.—The cost estimate required under subsection (a) shall include estimates of the total cost and annual funding requirements, listed by year, to complete the project, assuming a completion date in each of 2011, 2012, 2013, 2014, and 2015.

**SEC. 3113. REPORT ON INTERNATIONAL BORDER SECURITY PROGRAMS.**

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Defense, the Secretary of State, and, as appropriate, the Secretary of Homeland Security, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the management by such Secretaries of border security programs in the countries of the former Soviet Union and other countries.

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

(1) a description of the roles and responsibilities of each department and agency of the United States Government in international border security programs;

(2) a description of the interactions and coordination among departments and agencies of the United States Government that are conducting international border security programs;

(3) a description of the mechanisms that exist to ensure coordination, avoid duplication, and provide a means to resolve conflicts or problems that might arise in the implementation of international border security programs;

(4) a discussion of whether there is existing interagency guidance that addresses the roles, interactions, and dispute resolution mechanisms for departments and agencies of the United States Government that are conducting international border security programs, and the adequacy of such guidance if it exists; and

(5) recommendations to improve the coordination and effectiveness of international border security programs.

**SEC. 3114. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY UNDER CHEMICAL DEMILITARIZATION PROGRAM.**

(a) IN GENERAL.—Section 1412(c)(4) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(4)), is amended—

(1) by inserting ''(A)'' after ''(4)'';

(2) in the first sentence—

(A) by inserting ''and tribal organizations'' after ''State and local governments''; and

(B) by inserting ''and tribal organizations'' after ''those governments'';

(3) in the third sentence—

(A) by striking ''Additionally, the Secretary'' and inserting the following:

''(B) Additionally, the Secretary''; and

(B) by inserting ''and tribal organizations'' after ''State and local governments''; and

(4) by adding at the end the following:

''(C) In this paragraph, the term 'tribal organization' has the meaning given the term in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

(1) take effect on December 5, 1991; and

(2) apply to any cooperative agreement entered into on or after that date.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2006, $22,032,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

**SEC. 3301. REVISIONS TO REQUIRED RECEIPT OBJECTIVES FOR PREVIOUSLY AUTHORIZED DISPOSALS FROM NATIONAL DEFENSE STOCKPILE.**

(a) DISPOSAL AUTHORITY .—Section 3303(a)(5) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 98d note), as amended by section 3302 of the Ronald W. Reagan National Defense Authorization Act for Year 2005 (Public Law 108–375; 50 U.S.C. 98d note), is amended by striking paragraph (5) and inserting the following new paragraphs:

''(5) $900,000,000 by the end of fiscal year 2010.

''(6) $1,000,000,000 by the end of fiscal year 2013.''.

(b) ADDITIONAL DISPOSAL AUTHORITY.—Section 3402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 972; 50 U.S.C. 98d note), as amended by section 3302 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 50 U.S.C. 98d note), is amended by striking paragraph (4) and inserting the following new paragraphs:

''(4) $500,000,000 before the end of fiscal year 2010.

''(5) $600,000,000 before the end of fiscal year 2013.''.

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**SA 1956.** Mr. WARNER (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 1955 submitted by Mr. WARNER (for himself and Mr. LEVIN) and intended to be proposed to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 16, strike ''$3,008,982,000'' and insert ''$3,108,982,000''.

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

**SEC. 903. REDESIGNATION OF THE NAVAL RESERVE AS THE NAVY RESERVE.**

(a) REDESIGNATION OF RESERVE COMPONENT.—The reserve component of the Armed Forces known as the Naval Reserve is redesignated as the Navy Reserve.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) TEXT AMENDMENTS.—Title 10, United States Code, is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':

(A) Section 513(a).
(B) Section 516.
(C) Section 526(b)(2)(C)(i).
(D) Section 971(a).
(D) Section 5001(a)(1).
(F) Section 5143.
(G) Section 5596(c).
(H) Section 6323(f).
(I) Section 6327.
(J) Section 6330(b).
(K) Section 6331(a)(2).
(L) Section 6336.
(M) Section 6389.
(N) Section 6911(c)(1).
(O) Section 6913(a).
(P) Section 6915.
(Q) Section 6954(b)(3).
(R) Section 6956(a)(2).
(S) Section 6959(a).
(T) Section 7225.
(U) Section 7226.
(V) Section 7605(1).
(W) Section 7852.
(X) Section 7853.
(Y) Section 7854.

(Z) Section 10101(3).
(AA) Section 10108.
(BB) Section 10172.
(CC) Section 10301(a)(7).
(DD) Section 10303.
(EE) Section 12004(e)(2).
(FF) Section 12005.
(GG) Section 12010.
(HH) Section 12011(a)(2).
(II) Section 12012(a).
(JJ) Section 12103.
(KK) Section 12205.
(LL) Section 12207(b)(2).
(MM) Section 12732.
(NN) Section 12774(b) (other than the first place it appears).
(OO) Section 14002(b).
(PP) Section 14101(a)(1).
(QQ) Section 14107(d).
(RR) Section 14302(a)(1)(A).
(SS) Section 14313(b).
(TT) Section 14501(a).
(UU) Section 14512(b).
(VV) Section 14705(a).
(WW) Section 16201(d)(1)(B)(ii).

(2) CAPTION AMENDMENTS.—Such title is further amended by striking ''NAVAL RESERVE'' each place it appears in a provision as follows and inserting ''NAVY RESERVE'':
(A) Section 971(a).
(B) Section 5143(a).

(3) SECTION HEADING AMENDMENTS.—(A) The heading of section 5143 of such title is amended to read as follows:

**''§ 5143. Office of Navy Reserve: appointment of Chief''.**

(B) The heading of section 6327 of such title is amended to read as follows:

**''§ 6327. Officers and enlisted members of the Navy Reserve and Marine Corps Reserve: 30 years; 20 years; retired pay''.**

(C) The heading of section 6389 of such title is amended to read as follows:

**''§ 6389. Navy Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service''.**

(D) The heading of section 7225 of such title is amended to read as follows:

**''§ 7225. Navy Reserve flag''.**

(E) The heading of section 7226 of such title is amended to read as follows:

**''§ 7226. Navy Reserve yacht pennant''.**

(F) The heading of section 10108 of such title is amended to read as follows:

**''§ 10108. Navy Reserve: administration''.**

(G) The heading of section 10172 of such title is amended to read as follows:

**''§ 10172. Navy Reserve Force''.**

(H) The heading of section 10303 of such title is amended to read as follows:

**''§ 10303. Navy Reserve Policy Board''.**

(I) The heading of section 12010 of such title is amended to read as follows:

**''§ 12010. Computations for Navy Reserve and Marine Corps Reserve: rule when fraction occurs in final result''.**

(J) The heading of section 14306 of such title is amended to read as follows:

**''§ 14306. Establishment of promotion zones: Navy Reserve and Marine Corps Reserve running mate system''.**

(4) TABLES OF CONTENTS AMENDMENTS.—(A) The table of sections at the beginning of chapter 513 of such title is amended by striking the item relating to section 5143 and inserting the following new item:

''5143. Office of Navy Reserve: appointment of Chief.''.

(B) The table of sections at the beginning of chapter 571 of such title is amended by striking the item relating to section 6327 and inserting the following new item:

''6327. Officers and enlisted members of the Navy Reserve and Marine Corps Reserve: 30 years; 20 years; retired pay.''.

(C) The table of sections at the beginning of chapter 573 of such title is amended by striking the item relating to section 6389 and inserting the following new item:

''6389. Navy Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service.''.

(D) The table of sections at the beginning of chapter 631 of such title is amended by striking the items relating to sections 7225 and 7226 and inserting the following new items:

''7225. Navy Reserve flag.
''7226. Navy Reserve yacht pennant.''.

(E) The table of sections at the beginning of chapter 1003 of such title is amended by striking the item relating to section 10108 and inserting the following new item:

''10108. Navy Reserve: administration.''.

(F) The table of sections at the beginning of chapter 1006 of such title is amended by striking the item relating to section 10172 and inserting the following new item:

''10172. Navy Reserve Force.''.

(G) The table of sections at the beginning of chapter 1009 of such title is amended by striking the item relating to section 10303 and inserting the following new item:

''10303. Navy Reserve Policy Board.''.

(H) The table of sections at the beginning of chapter 1201 of such title is amended by striking the item relating to section 12010 and inserting the following new item:

''12010. Computations for Navy Reserve and Marine Corps Reserve: rule when fraction occurs in final result.''.

(I) The table of sections at the beginning of chapter 1405 of such title is amended by striking the item relating to section 14306 and inserting the following new item:

''14306. Establishment of promotion zones: Navy Reserve and Marine Corps Reserve running mate system.''.

(c) CONFORMING AMENDMENT TO TITLE 14, UNITED STATES CODE.—Section 705 of title 14, United States Code, is amended by striking ''Naval Reserve'' each place it appears and inserting ''Navy Reserve''.

(d) CONFORMING AMENDMENTS TO TITLE 37, UNITED STATES CODE.—

(1) TEXT AMENDMENTS.—Title 37, United States Code, is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':
(A) Section 101(24)(C).
(B) Section 201(d).
(C) Section 205(a)(2)(I).
(D) Section 301c(d).
(E) Section 319(a).
(F) Section 905.

(2) CAPTION AMENDMENT.—Section 301c(d) of such title is further amended by striking ''NAVAL RESERVE'' and inserting ''NAVY RESERVE''.

(e) CONFORMING AMENDMENTS TO TITLE 38, UNITED STATES CODE.—Title 38, United States Code, is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':
(1) Section 101(27)(B).
(2) Section 3002(6)(C).
(3) Section 3202(1)(C)(iii).
(4) Section 3452(a)(3)(C).

(f) CONFORMING AMENDMENTS TO OTHER CODIFIED TITLES.—

(1) TITLE 5, UNITED STATES CODE.—Section 2108(1)(B) of title 5, United States Code, is amended by striking ''Naval Reserve'' and inserting ''Navy Reserve''.

(2) TITLE 18, UNITED STATES CODE.—Section 2387(b) of title 18, United States Code, is amended by striking ''Naval Reserve'' and inserting ''Navy Reserve''.

(3) TITLE 46, UNITED STATES CODE.—(A) Title 46, United States Code, is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':
(i) Section 8103(g).
(ii) Section 8302(g).

(B) The heading of section 8103 of such title is amended to read as follows:

**''§ 8103. Citizenship and Navy Reserve requirements''.**

(C) The table of sections at the beginning of chapter 81 of such title is amended by striking the item relating to section 8103 and inserting the following new item:

''8103. Citizenship and Navy Reserve requirements.''.

(g) CONFORMING AMENDMENTS TO OTHER LAWS.—

(1) Section 2301(4)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(4)(C)) is amended by striking ''Naval Reserve'' and inserting ''Navy Reserve''.

(2)(A) The Merchant Marine Act, 1936 is amended by striking ''Naval Reserve'' each place it appears in a provision as follows and inserting ''Navy Reserve'':
(i) Section 301(b) (46 U.S.C. App. 1131(b)).
(ii) Section 1303 (46 U.S.C. App. 1295b).
(iii) Section 1304 (46 U.S.C. App. 1295c).

(B) Such Act is further amended by striking ''NAVAL RESERVE'' each place it appears in a provision as follows and inserting ''NAVY RESERVE'':
(i) Section 1303(c).
(ii) 1304(h).

(3)(A) Section 6(a)(1) of the Military Selective Service Act (50 U.S.C. App. 456(a)(1)) is amended by striking ''United States Naval Reserves'' and inserting ''members of the United States Navy Reserve''.

(B) Section 16(i) of such Act (50 U.S.C. App. 446(i)) is amended by striking ''Naval Reserve'' and inserting ''Navy Reserve''.

(h) OTHER REFERENCES.—Any reference in any law, regulation, document, record, or other paper of the United States to the Naval Reserve, other than a reference to the Naval Reserve regarding the United States Naval Reserve Retired List, shall be considered to be a reference to the Navy Reserve.

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

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

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

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

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

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

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

''(4) The Secretary shall establish an account for the administration of funds received as qualifying research grants under

this subsection. Funds in the account with respect to a grant shall be used in accordance with the terms and condition of the grant and subject to applicable provisions of the regulations prescribed under paragraph (6).

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

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

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

**SEC. 330. MODIFICATION OF AUTHORITY OF ARMY WORKING-CAPITAL FUNDED FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.**

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

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

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

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

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

''(e) PROCEEDS CREDITED TO WORKING CAPITAL FUND.—The proceeds of sale of an article or service pursuant to a contract or other cooperative arrangement under this section shall be credited to the working capital fund that incurs the cost of manufacturing the article or performing the service.''; and

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

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

**SEC. 846. REPORTS OF ADVISORY PANEL ON LAWS AND REGULATIONS ON ACQUISITION PRACTICES.**

(a) EXTENSION OF FINAL REPORT.—Section 1423(d) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 117 Stat. 1669; 41 U.S.C. 405 note) is amended by striking ''one year'' and inserting ''two years''.

(b) REQUIREMENT FOR INTERIM REPORT.—That section is further amended—

(1) by inserting ''(1)'' before ''Not later than''; and

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

''(2) Not later than one year after the date of the establishment of the panel, the panel shall submit to the official and committees referred to in paragraph (1) an interim report on the matters set forth in that paragraph.''.

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

**SEC. 2887. DESIGNATION OF WILLIAM B. BRYANT ANNEX.**

(a) DESIGNATION.—The annex to the E. Barrett Prettyman Federal Building and United States Courthouse located at 333 Constitution Avenue Northwest in the District of Columbia shall be known and designated as the ''William B. Bryant Annex''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in subsection (a) shall be deemed to be a reference to the ''William B. Bryant Annex''.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On page 66, after line 22, insert the following:

**SEC. 330. SENSE OF THE SENATE REGARDING DEPOT MAINTENANCE.**

(a) FINDINGS.—The Senate finds that—

(1) the Depot Maintenance Strategy and Master Plan of the Air Force reflects the essential requirements for the Air Force to maintain a ready and controlled source of organic technical competence, thereby ensuring an effective and timely response to national defense contingencies and emergency requirements;

(2) since the publication of the Depot Maintenance Strategy and Master Plan of the Air Force in 2002, the service has made great progress toward modernizing all 3 of its Depots, in order to maintain their status as ''world class'' maintenance repair and overhaul operations;

(3) one of the indispensable components of the Depot Maintenance Strategy and Master Plan of the Air Force is the commitment of the Air Force to allocate $150,000,000 a year over 6 years, beginning in fiscal year 2004, for recapitalization and investment, including the procurement of technologically advanced facilities and equipment, of our Nation's 3 Air Force depots; and

(4) the funds expended to date have ensured that transformation projects, such as the initial implementation of ''Lean'' and ''Six Sigma'' production techniques, have achieved great success in reducing the time necessary to perform depot maintenance on aircraft.

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

(1) the Air Force should be commended for the implementation of its Depot Maintenance Strategy and Master Plan and, in particular, meeting its commitment to invest $150,000,000 a year over 6 years, since fiscal year 2004, in the Nation's 3 Air Force Depots; and

(2) the Air Force should continue to fully fund its commitment of $150,000,000 a year through fiscal year 2009 in investments and recapitalization projects pursuant to the Depot Maintenance Strategy and Master Plan.

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

**SEC. 1205. SENSE OF CONGRESS ON SUPPORT FOR NUCLEAR NON-PROLIFERATION TREATY.**

Congress—

(1) reaffirms its support for the objectives of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (the ''Nuclear Non-Proliferation Treaty'');

(2) expresses its support for all appropriate measures to strengthen the Nuclear Non-Proliferation Treaty and to attain its objectives; and

(3) calls on all parties to the Nuclear Non-Proliferation Treaty—

(A) to insist on strict compliance with the non-proliferation obligations of the Nuclear Non-Proliferation Treaty and to undertake effective enforcement measures against states that are in violation of their obligations under the Treaty;

(B) to agree to establish more effective controls on enrichment and reprocessing technologies that can be used to produce materials for nuclear weapons;

(C) to expand the ability of the International Atomic Energy Agency to inspect and monitor compliance with safeguard agreements and standards to which all states should adhere through existing authority and the additional protocols signed by the states party to the Nuclear Non-Proliferation Treaty;

(D) to demonstrate the international community's unified opposition to a nuclear weapons program in Iran by—

(i) supporting the efforts of the United States and the European Union to prevent the Government of Iran from acquiring a nuclear weapons capability; and

(ii) using all appropriate diplomatic means at their disposal to convince the Government of Iran to abandon its uranium enrichment program;

(E) to strongly support the ongoing United States diplomatic efforts in the context of the six-party talks that seek the verifiable and irreversible disarmament of North Korea's nuclear weapons programs and to use all appropriate diplomatic means to achieve this result;

(F) to pursue diplomacy designed to address the underlying regional security problems in Northeast Asia, South Asia, and the Middle East, which would facilitate non-proliferation and disarmament efforts in those regions;

(G) to accelerate programs to safeguard and eliminate nuclear weapons-usable material to the highest standards to prevent access by terrorists and governments;

(H) to halt the use of highly enriched uranium in civilian reactors;

(I) to strengthen national and international export controls and relevant security measures as required by United Nations Security Council Resolution 1540;

(J) to agree that no state may withdraw from the Nuclear Non-Proliferation Treaty and escape responsibility for prior violations of the Treaty or retain access to controlled materials and equipment acquired for ''peaceful'' purposes;

(K) to accelerate implementation of disarmament obligations and commitments under the Nuclear Non-Proliferation Treaty for the purpose of reducing the world's stockpiles of nuclear weapons and weapons-grade fissile material; and

(L) to strengthen and expand support for the Proliferation Security Initiative.

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

**SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF DEFENSE SCIENCE BOARD TASK FORCE ON HIGH PERFORMANCE MICROCHIP SUPPLY.**

(a) REPORT REQUIRED.—Not later than March 15, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of the recommendations of the Defense Science Board Task Force on High Performance Microchip Supply.

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

(1) An analysis of each finding of the Task Force.

(2) A detailed description of the response of the Department of Defense to each recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement the recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of the recommendation; and

(B) For each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement the recommendation; and

(ii) a summary of alternative actions the Secretary plans to take to address the purposes underlying the recommendation.

(3) A summary of any additional actions the Secretary plan to take to address concerns raised by the Task Force.

(c) CONSULTATION.—To the extent practicable, the Secretary may consult with other departments and agencies of the Federal Government, institutions of higher education and other academic organizations, and industry in the development of the report required by subsection (a).

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

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

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

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

**SEC. 330. WELFARE OF SPECIAL CATEGORY RESIDENTS AT NAVAL STATION GUANTANAMO BAY, CUBA.**

(a) IN GENERAL.—The Secretary of the Navy may provide for the general welfare, including subsistence, housing, and health care, of any person at Naval Station Guantanamo Bay, Cuba, who is designated by the Secretary, not later than 90 days after the date of the enactment of this Act, as a so-called ''special category resident''.

(b) PROHIBITION ON CONSTRUCTION OF FACILITIES.—The authorization in subsection (a) shall not be construed as an authorization for the construction of new housing facilities or medical treatment facilities.

(c) CONSTRUCTION OF PRIOR USE OF FUNDS.—The provisions of chapter 13 of title 31, United States Code, are hereby deemed not to have applied to the obligation or expenditure of funds before the date of the enactment of this Act for the general welfare of persons described in subsection (a).

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

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

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

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

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

(A) During initial orientation training.

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

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

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

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

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

**PART II—NAVY CONVEYANCES**

**SEC. 2851. LAND CONVEYANCE, MARINE CORPS AIR STATION, MIRAMAR, SAN DIEGO, CALIFORNIA.**

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (c), the Secretary of the Navy may convey to the County of San Diego, California (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon and appurtenant easements thereto, consisting of approximately 230 acres located on the eastern boundary of Marine Corps Air Station, Miramar, California, for the purpose of removing the property from the boundaries of the installation and permitting the County to preserve the entire property known as the Stowe Trail as a public passive park/recreational area.

(b) CONSIDERATION.—

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

(c) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert, at the option of the Secretary, to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

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

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

(d) PAYMENT OF COSTS OF CONVEYANCE.—

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

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

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

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

**PART III—AIR FORCE CONVEYANCES**

At the appropriate place, insert the following:

(a) FINDINGS.—

(1) According to the Department of State, drug trafficking organizations shipped approximately nine tones of cocaine to the United States through the Dominican Republic in 2004, and are increasingly using small, high-speed watercraft.

(2) Drug traffickers use the Caribbean corridor to smuggle narcotics to the United States via Puerto Rico and the Dominican Republic. This route is ideal for drug trafficking because of its geographic expanse, numerous law enforcement jurisdictions and fragmented investigative efforts.

(3) The tethered aerostat system in Lajas, Puerto Rico contributes to deterring and detecting smugglers moving illicit drugs into Puerto Rico. The aerostat's range and operational capabilities allow it to provide surveillance coverage of the eastern Caribbean corridor and the strategic waterway between Puerto Rico and the Dominican Republic, known a the Mona Passage.

(4) Including maritime radar on the Lajas aerostat will expand its ability to detect suspicious vessels in the eastern Caribbean corridor.

(b) SENSE OF THE SENATE.—Given the above findings, it is the sense of the Senate that—

(1) Congress and the Department of Defense fully fund the Counter-Drug Tethered Aerostat program.

(2) Department of Defense install maritime radar on the Lajas, Puerto Rico aerostat.

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

**SEC. 509. APPLICABILITY OF OFFICER DISTRIBUTION AND STRENGTH LIMITATIONS TO OFFICERS SERVING IN INTELLIGENCE COMMUNITY POSITIONS.**

(a) IN GENERAL.—Section 528 of title 10, United States Code, is amended to read as follows:

**"§ 528. Exclusion: officers serving in certain intelligence positions**

''(a) EXCLUSION OF OFFICER SERVING IN CERTAIN CIA POSITIONS.—When either of the individuals serving in a position specified in subsection (b) is an officer of the armed forces, one of those officers, while serving in such position, shall be excluded from the limitations in sections 525 and 526 of this title while serving in such position.

''(b) COVERED POSITIONS.—The positions referred to in this subsection are the following:

''(1) Director of the Central Intelligence Agency.

''(2) Deputy Director of the Central Intelligence Agency.

''(c) ASSOCIATE DIRECTOR OF CIA FOR MILITARY SUPPORT.—An officer of the armed forces serving in the position of Associate Director of the Central Intelligence Agency for Military Support, while serving in that position, shall be excluded from the limitations in sections 525 and 526 of this title while serving in such position.

''(d) OFFICERS SERVING IN OFFICE OF DNI.—Up to 5 general and flag offices of the armed forces assigned to positions in the Office of the Director of National Intelligence designated by agreement between the Secretary of Defense and the Director of National Intelligence shall be excluded from the limitations in sections 525 and 526 of this title while serving in such positions.''.

''(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 32 of such title is amended by striking the item relating to section 528 and inserting the following new item:

''528. Exclusion: officers serving in certain intelligence positions.''.

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

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

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

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

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

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

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

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

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

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

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

On page 28, between lines 10 and 11, insert the following:

**SEC. 203. FUNDING FOR RESEARCH AND TECHNOLOGY TRANSITION FOR HIGH-BRIGHTNESS ELECTRON SOURCE PROGRAM.**

(a) INCREASE IN FUNDS AVAILABLE TO NAVY FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $1,500,000.

(b) REDUCTION IN FUNDS AVAILABLE TO AIR FORCE FOR PROCUREMENT, AMMUNITION.—The amount authorized to be appropriated by section 301(4) for the Air Force is hereby reduced by $1,500,000.

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

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

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

(b) PAYMENT OF COSTS OF CONVEYANCE.—

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

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

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

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

On page 28, between lines 10 and 11, insert the following:

**SEC. 203. FUNDING FOR DEVELOPMENT OF DISTRIBUTED GENERATION TECHNOLOGIES.**

(a) INCREASE IN FUNDS AVAILABLE TO ARMY FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000, with the amount of such increase to be available for research on and facilitation of technology for converting obsolete chemical munitions to fertilizer.

(b) REDUCTION IN FUNDS AVAILABLE.—The amount authorized to be appropriated by section 301(4) for the Air Force is hereby reduced by $1,000,000.

On page 372, line 3, insert after ''$1,637,239,000'' the following: '', of which amount $338,565,000 shall be available for project 99–D–143, the Mixed Oxide Fuel Fabrication Facility, Savannah River Site, Aiken, South Carolina, and $24,000,000 shall be available for project 99–D–141, the Pit Disassembly and Conversion Facility, Savannah River Site, Aiken, South Carolina''.

Strike section 1008.

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

**SEC. 244. DESIGNATION OF FACILITIES AND RESOURCES CONSTITUTING THE MAJOR RANGE AND TEST FACILITY BASE.**

(a) DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.—Section 196(h) of title 10, United States Code, is amended by striking ''Director of Operational Test and Evaluation'' and inserting ''Secretary of Defense''.

(b) INSTITUTIONAL FUNDING OF TEST AND EVALUATION ACTIVITIES.—Section 232(b)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2490) is amended by striking ''Director of Operational Test and Evaluation'' and inserting ''Secretary of Defense''.

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

**SEC. 538. DEFENSE SCIENCE BOARD STUDY ON DEPLOYMENT OF MEMBERS OF THE NATIONAL GUARD AND RESERVES IN THE GLOBAL WAR ON TERRORISM.**

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

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

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

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

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

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

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

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

**SEC. 1073. POLICY OF THE UNITED STATES ON THE INTERCONTINENTAL BALLISTIC MISSILE FORCE.**

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

(1) Consistent with warhead levels agreed to in the Moscow Treaty, the United States is modifying the capacity of the Minuteman III intercontinental ballistic missile (ICBM) from its prior capability to carry up to 3 independent reentry vehicles (RVs) to carry

as few as a single reentry vehicle, a process known as downloading.

(2) A series of Department of Defense studies of United States strategic forces, including the 2001 Nuclear Posture Review, has confirmed the continued need for 500 intercontinental ballistic missiles.

(3) In a potential nuclear crisis it is important that the nuclear weapons systems of the United States be configured so as to discourage other nations from making a first strike.

(4) The intercontinental ballistic missile force is currently being considered as part of the deliberations of the Department of Defense for the Quadrennial Defense Review.

(b) STATEMENT OF UNITED STATES POLICY.—It is the policy of the United States to continue to deploy a force of 500 intercontinental ballistic missiles, provided that unanticipated strategic developments may compel the United States to make changes to this force structure in the future.

(c) MOSCOW TREATY DEFINED.—In this section, the term ''Moscow Treaty'' means the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions, done at Moscow on May 24, 2002.

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

**SEC. 1044. REPORT ON USE OF SPACE RADAR FOR TOPOGRAPHICAL MAPPING FOR SCIENTIFIC AND CIVIL PURPOSES.**

(a) IN GENERAL.—Not later than January 15, 2006, the Secretary of Defense shall submit to the congressional defense committees on report on the feasability and advisability of utilizing the Space Radar for purposes of providing coastal zone and other topographical mapping information, and related information, to the scientific community and other elements of the private sector for scientific and civil purposes.

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

(1) A description and evaluation of any uses of the Space Radar for scientific or civil purposes that are identified by the Secretary for purposes of the report.

(2) A description and evaluation of any additions or modifications to the Space Radar identified by the Secretary for purposes of the report that would increase the utility of the Space Radar to the scientific community or other elements of the private sector for scientific or civil purposes, including the utilization of additional frequencies, the development or enhancement of ground systems, and the enhancement of operations.

(3) A description of the costs of any additions or modifications identified pursuant to paragraph (2).

(4) A description and evaluation of processes to be utilized to determine the means of modifying the Space Radar in order to meet the needs of the scientific community or other elements of the private sector with respect to the use of the Space Radar for scientific or civil purposes, and a proposal for meeting the costs of such modifications.

(5) A description and evaluation of the impacts, if any, on the primary missions of the Space Radar, and on the development of the Space Radar, of the use of the Space Radar for scientific or civil purposes.

(6) A description of the process for developing requirements for the Space Radar, including the involvement of the Civil Applications Committee.

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

**SEC. 125. JOINT PRIMARY AIRCRAFT TRAINERS.**

(a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT FOR THE NAVY.—The amount authorized to be appropriated by section 102(a)(1) for aircraft procurement for the Navy is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 102(a)(1) for aircraft procurement for the Navy, as increased by subsection (a), $10,000,000 may be available for the procurement of Joint Primary Aircraft Trainers (JPAT) for the Navy.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for Air Force activities is hereby reduced by $10,000,000.

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

**SEC. 3114. ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE.**

(a) DEFINITIONS.—In this section:

(1) ESSENTIAL MINERAL RIGHT.—The term ''essential mineral right'' means a right to mine sand and gravel at Rocky Flats, as depicted on the map.

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

(3) MAP.—The term ''map'' means the map entitled ''Rocky Flats National Wildlife Refuge'', dated July 25, 2005, and available for inspection in appropriate offices of the United States Fish and Wildlife Service and the Department of Energy.

(4) NATURAL RESOURCE DAMAGE LIABILITY CLAIM.—The term ''natural resource damage liability claim'' means a natural resource damage liability claim under subsections (a)(4)(C) and (f) of section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) arising from hazardous substances releases at or from Rocky Flats that, as of the date of enactment of this Act, are identified in the administrative record for Rocky Flats required by the National Oil and Hazardous Substances Pollution Contingency Plan prepared under section 105 of that Act (42 U.S.C. 9605).

(5) ROCKY FLATS.—The term ''Rocky Flats'' means the Department of Energy facility in the State of Colorado known as the ''Rocky Flats Environmental Technology Site''.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(7) TRUSTEES.—The term ''Trustees'' means the Federal and State officials designated as trustees under section 107(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(2)).

(b) PURCHASE OF ESSENTIAL MINERAL RIGHTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, such amounts authorized to be appropriated under subsection (c) shall be available to the Secretary to purchase essential mineral rights at Rocky Flats.

(2) CONDITIONS.—The Secretary shall not purchase an essential mineral right under paragraph (1) unless—

(A) the owner of the essential mineral right is a willing seller; and

(B) the Secretary purchases the essential mineral right for an amount that does not exceed fair market value.

(3) LIMITATION.—Only those funds authorized to be appropriated under subsection (c) shall be available for the Secretary to purchase essential mineral rights under paragraph (1).

(4) RELEASE FROM LIABILITY.—Notwithstanding any other law, any natural resource damage liability claim shall be considered to be satisfied by—

(A) the purchase by the Secretary of essential mineral rights under paragraph (1) for consideration in an amount equal to $10,000,000;

(B) the payment by the Secretary to the Trustees of $10,000,000; or

(C) the purchase by the Secretary of any portion of the mineral rights under paragraph (1) for—

(i) consideration in an amount less than $10,000,000; and

(ii) a payment by the Secretary to the Trustees of an amount equal to the difference between—

(I) $10,000,000; and

(II) the amount paid under clause (i).

(5) USE OF FUNDS.—

(A) IN GENERAL.—Any amounts received under paragraph (4) shall be used by the Trustees for the purposes described in section 107(f)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(f)(1)), including—

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

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

(B) CONDITION.—Any expenditure of funds under this paragraph shall be made jointly by the Trustees.

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

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

(7) ROCKY FLATS NATIONAL WILDLIFE REFUGE.—

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

(i) in section 3175—

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

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

(ii) in section 3176(a)(1), by striking ''section 3175(d)'' and inserting ''section 3175(c)''.

(B) BOUNDARIES.—Section 3177 of the Rocky Flats National Wildlife Refuge Act of 2001 (16 U.S.C. 668dd note; Public Law 107–107) is amended by striking subsection (c) and inserting the following:

''(c) COMPOSITION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the refuge shall consist of land within the boundaries of Rocky Flats, as depicted on the map—

''(A) entitled 'Rocky Flats National Wildlife Refuge';

''(B) dated July 25, 2005; and

''(C) available for inspection in the appropriate offices of the United States Fish and Wildlife Service and the Department of Energy.

''(2) EXCLUSIONS.—The refuge does not include—

''(A) any land retained by the Department of Energy for response actions under section 3175(c);

''(B) any land depicted on the map described in paragraph (1) that is subject to 1 or more essential mineral rights described in section 3114(a) of the National Defense Authorization Act for Fiscal Year 2006 over which the Secretary shall retain jurisdiction of the surface estate until the essential mineral rights—

''(i) are purchased under subsection (b) of that Act; or

''(ii) are mined and reclaimed by the mineral rights holders in accordance with requirements established by the State of Colorado; and

''(C) the land depicted on the map described in paragraph (1) on which essential mineral rights are being actively mined as of the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 until—

''(i) the essential mineral rights are purchased; or

''(ii) the surface estate is reclaimed by the mineral rights holder in accordance with requirements established by the State of Colorado.

''(3) ACQUISITION OF ADDITIONAL LAND.—Notwithstanding paragraph (2), upon the purchase of the mineral rights or reclamation of the land depicted on the map described in paragraph, the Secretary shall—

''(A) transfer the land to the Secretary of the Interior for inclusion in the refuge; and

''(B) the Secretary of the Interior shall—

''(i) accept the transfer of the land; and

''(ii) manage the land as part of the refuge.''.

(c) FUNDING.—Of the amounts authorized to be appropriated to the Secretary for the Rocky Flats Environmental Technology Site for fiscal year 2006, $10,000,000 may be made available to the Secretary for the purposes described in subsection (b).

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

**SEC. 124. RAPID INTRAVENOUS INFUSION PUMP.**

(a) ADDITIONAL AMOUNT FOR PROCUREMENT FOR THE MARINE CORPS.—The amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 102(b) for procurement for the Marine Corps, as increased by subsection (a), $1,000,000 may be available for General Property for Field Medical Equipment for the Rapid Intravenous (IV) Infusion Pump.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $1,000,000.

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

**SEC. 213. AGING MILITARY AIRCRAFT FLEET SUPPORT.**

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE AIR FORCE.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $4,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $4,000,000 may be available for Program Element #63112F for Aging Military Aircraft Fleet Support.

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

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

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

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

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

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

**SEC. 537. ELIGIBILITY OF UNITED STATES NATIONALS FOR APPOINTMENT TO THE SENIOR RESERVE OFFICERS' TRAINING CORPS.**

(a) IN GENERAL.—Section 2107(b)(1)(A) of title 10, United States Code, is amended by inserting ''or national'' after ''citizen''.

(b) ARMY RESERVE OFFICERS TRAINING PROGRAMS.—Section 2107a(b)(1)(A) of such title is amended by inserting ''or national'' after ''citizen''.

(c) ELIGIBILITY FOR APPOINTMENT AS COMMISSIONED OFFICERS.—Section 532(f) of such title is amended by inserting '', or for a United States national otherwise eligible for appointment as a cadet or midshipman under section 2107(a) of this title or as a cadet under section 2107a of this title,'' after ''for permanent residence''.

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

**SEC. 244. REPORT ON COOPERATION BETWEEN THE DEPARTMENT OF DEFENSE AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ON RESEARCH, DEVELOPMENT, TEST, AND EVALUATION ACTIVITIES.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress a report setting forth the recommendations of the Secretary and the Administrator regarding cooperative activities between the Department of Defense and the National Aeronautics and Space Administration related to research, development, test, and evaluation on areas of mutual interest to the Department and the Administration.

(b) AREAS COVERED.—The areas of mutual interest to the Department of Defense and the National Aeronautics and Space Administration referred to in subsection (a) may include, but not be limited to, areas relating to the following:

(1) Aeronautics research.

(2) Facilities, personnel, and support infrastructure.

(3) Propulsion and power technologies.

(4) Space access and operations.

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

**SEC. 213. WARHEAD/GRENADE SCIENTIFIC BASED MANUFACTURING TECHNOLOGY.**

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR THE ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $1,000,000 may be available for Weapons and Ammunition Technology (PE#602624A) for Warhead/Grenade Scientific Based Manufacturing Technology.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance, Air Force activities is hereby reduced by $1,000,000.

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

**SEC. 213. JOINT SERVICE SMALL ARMS PROGRAM.**

(a) INCREASED AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by subsection (a), $5,000,000 may be available for the Joint Service Small Arms Program.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $5,000,000.

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

**SEC. 1073. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.**

(a) ESTABLISHMENT.—There is established the National Foreign Language Coordination Council (in this section referred to as the ''Council''), which shall be an independent establishment as defined under section 104 of title 5, United States Code.

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The National Language Director, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Director of the Office of Personnel Management.

(10) The Director of the Office of Management and Budget.

(11) The Secretary of Commerce.

(12) The Secretary of Health and Human Services.

(13) The Secretary of the Treasury.

(14) The Secretary of Housing and Urban Development.

(15) The Secretary of Agriculture.

(16) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) developing a national foreign language strategy, within 18 months of the date of enactment of this section, in consultation with—

(i) State and local government agencies;

(ii) academic sector institutions;

(iii) foreign language related interest groups;

(iv) business associations;

(v) industry; and

(vi) heritage associations;

(B) conducting a survey of Federal agency needs for foreign language area expertise; and

(C) overseeing the implementation of such strategy through—

(i) execution of subsequent law; and

(ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) identification of crucial priorities across all sectors;

(B) identification and evaluation of Federal foreign language programs and activities, including—

(i) recommendations on coordination;

(ii) program enhancements; and

(iii) allocation of resources so as to maximize use of resources;

(C) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness in the next 20 to 50 years;

(D) effective ways to increase public awareness of the need for foreign language

skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;

(ii) students;

(iii) parents;

(iv) elementary, secondary, and postsecondary educational institutions; and

(v) potential employers;

(E) incentives for related educational programs, including foreign language teacher training;

(F) coordination of cross-sector efforts, including public-private partnerships;

(G) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;

(H) assistance for—

(i) the development of foreign language achievement standards; and

(ii) corresponding assessments for the elementary, secondary, and postsecondary education levels, including the National Assessment of Educational Progress in foreign languages;

(I) development of —

(i) language skill-level certification standards;

(ii) an ideal course of pre-service and professional development study for those who teach foreign language;

(iii) suggested graduation criteria for foreign language studies and appropriate non-language studies, such as—

(I) international business;

(II) national security;

(III) public administration;

(IV) health care;

(V) engineering;

(VI) law;

(VII) journalism; and

(VIII) sciences; and

(J) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community.

(d) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session at least 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(e) STAFF.—

(1) IN GENERAL.—The Director may appoint and fix the compensation of such additional personnel as the Director considers necessary to carry out the duties of the Council.

(2) DETAILS FROM OTHER AGENCIES.—Upon request of the Council, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Council.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this section.

(2) INFORMATION.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, the Council considers necessary to carry out its responsibilities. Upon request of the Director, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(g) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this section, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(h) REPORTS.—Not later than 90 days after the date of enactment of this section, and annually thereafter, the Council shall prepare and transmit to the President and Congress a report that describes the activities of the Council and the efforts of the Council to improve foreign language education and training and impediments, including any statutory and regulatory restrictions, to the use of each such program.

(i) ESTABLISHMENT OF A NATIONAL LANGUAGE DIRECTOR.—

(1) IN GENERAL.—There is established a National Language Director who shall be appointed by the President. The National Language Director shall be a nationally recognized individual with credentials and abilities across all of the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The National Language Director shall—

(A) develop and oversee the implementation of a national foreign language strategy across all sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(3) COMPENSATION.—The National Language Director shall be paid at a rate of pay payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(j) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

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

**SEC. 330. POINT OF MAINTENANCE/ARSENAL/DEPOT AIT INITIATIVE.**

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by $10,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, as increased by subsection (a), $16,000,000 may be available for the Point of Maintenance/Arsenal/Depot AIT (AD–AIT) Initiative.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $10,000,000 to be derived from amounts authorized to be appropriated by that section for the Air Force.

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

**SEC. 330. LONG ARM HIGH-INTENSITY ARC METAL HALIDE HANDHELD SEARCHLIGHT.**

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is hereby increased by $4,500,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, as increased by subsection (a), $4,500,000 may be available for the Long Arm High-Intensity Arc Metal Halide Handheld Searchlight.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $4,500,000, with the amount of the reduction to be derived from amounts authorized to be appropriated by that section for the Air Force.

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

**SEC. 807. MODIFICATION OF REQUIREMENTS APPLICABLE TO CONTRACTS AUTHORIZED BY LAW FOR CERTAIN MILITARY MATERIEL.**

(a) INCLUSION OF COMBAT VEHICLES UNDER REQUIREMENTS.—Section 2401 of title 10, United States Code, is amended—

(1) by striking ''vessel or aircraft'' each place it appears and inserting ''vessel, aircraft, or combat vehicle'';

(2) in subsection (c), by striking ''aircraft or naval vessel'' each place it appears and inserting ''aircraft, naval vessel, or combat vehicle'';

(3) in subsection (e), by striking ''aircraft or naval vessels'' each place it appears and inserting ''aircraft, naval vessels, or combat vehicle''; and

(4) in subsection (f)—

(A) by striking ''aircraft and naval vessels'' and inserting ''aircraft, naval vessels, and combat vehicle''; and

(B) by striking ''such aircraft and vessels'' and inserting ''such aircraft, vessels, and combat vehicle''.

(b) ADDITIONAL INFORMATION FOR CONGRESS.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking ''and'' at the end;

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

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

''(D) the Secretary has certified to those committees—

''(i) that entering into the proposed contract as a means of obtaining the vessel, aircraft, or combat vehicle is the most cost-effective means of obtaining such vessel, aircraft, or combat vehicle; and

''(ii) that the Secretary has determined that the lease complies with all applicable laws, Office of Management and Budget circulars, and Department of Defense regulations.''; and

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

''(3) Upon receipt of a notice under paragraph (1)(C), a committee identified in paragraph (1)(B) may request the Inspector General of the Department of Defense or the Comptroller General of the United States to conduct a review of the proposed contract to determine whether or not such contract meets the requirements of this section.

''(4) If a review is requested under paragraph (3), the Inspector General of the Department of Defense or the Comptroller General of the United States, as the case may be, shall submit to the Secretary and the congressional defense committees a report on such review before the expiration of the period specified in paragraph (1)(C).''.

(c) APPLICABILITY OF ACQUISITION REGULATIONS.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

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

''(f)(1) If a lease or charter covered by this section is a capital lease or a lease-purchase—

''(A) the lease or charter shall be treated as an acquisition and shall be subject to all applicable statutory and regulatory requirements for the acquisition of aircraft, naval vessels, or combat vehicles; and

''(B) funds appropriated to the Department of Defense for operation and maintenance may not be obligated or expended for the lease or charter.

''(2) In this subsection, the terms 'capital lease' and 'lease-purchase' have the meanings given those terms in Appendix B to Office of Management and Budget Circular A–11, as in effect on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006.''.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) The heading of such section is amended to read as follows:

**''§ 2401. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles''.**

(2) The table of sections at the beginning of chapter 141 of such title is amended by striking the item relating to section 2401 and inserting the following new item:

''Sec. 2401. Requirement for authorization by law of certain contracts relating to vessels, aircraft, and combat vehicles.''.

**SEC. 808. REQUIREMENT FOR ANALYSIS OF ALTERNATIVES FOR MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) REQUIREMENT.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2431 the following new section:

**''§ 2431a. Major defense acquisition programs: requirement for analysis of alternatives**

''(a) No major defense acquisition program may be commenced before the completion of an analysis of alternatives with respect to such program.

''(b) For the purposes of this section, a major defense acquisition program is commenced when the milestone decision authority approves entry of the program into the first phase of the acquisition process applicable to the program.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2431 the following new item:

''2431a. Major defense acquisition programs: requirement for analysis of alternatives.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to major defense acquisition programs commenced on or after that date.

**SEC. 809. REPORT ON USE OF LEAD SYSTEM INTEGRATORS IN THE ACQUISITION OF MAJOR SYSTEMS.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of lead system integrators for the acquisition by the Department of Defense of major systems.

(b) CONTENTS.—The report required by subsection (a) shall include a detailed description of the actions taken, or to be taken (including a specific timetable), and the current regulations and guidelines regarding—

(1) the definition of the respective rights of the Department of Defense, lead system integrators, and other contractors that participate in the development or production of any individual element of the major weapon system (including subcontractors under lead system integrators) in intellectual property that is developed by the other participating contractors in a manner that ensures that—

(A) the Department of Defense obtains appropriate rights in technical data developed by the other participating contractors in accordance with the requirements of section 2320 of title 10, United States Code; and

(B) lead system integrators obtain access to technical data developed by the other participating contractors only to the extent necessary to execute their contractual obligations as lead systems integrators;

(2) the prevention or mitigation of organizational conflicts of interest on the part of lead system integrators;

(3) the prevention of the performance by lead system integrators of functions closely associated with inherently governmental functions;

(4) the appropriate use of competitive procedures in the award of subcontracts by lead system integrators with system responsibility;

(5) the prevention of organizational conflicts of interest arising out of any financial interest of lead system integrators without system responsibility in the development or production of individual elements of a major weapon system; and

(6) the prevention of pass-through charges by lead system integrators with system responsibility on systems or subsystems developed or produced under subcontracts where such lead system integrators do not provide significant value added with regard to such systems or subsystems.

(c) DEFINITIONS.—In this section:

(1) The term ''lead system integrator'' includes lead system integrators with system responsibility and lead system integrators without system responsibility.

(2) The term ''lead system integrator with system responsibility'' means a prime contractor for the development or production of a major system if the prime contractor is not expected at the time of award, as determined by the Secretary of Defense for purposes of this section, to perform a substantial portion of the work on the system and the major subsystems.

(3) The term ''lead system integrator without system responsibility'' means a contractor under a contract for the procurement of services whose primary purpose is to perform acquisition functions closely associated with inherently governmental functions with regard to the development or production of a major system.

(4) The term ''major system'' has the meaning given such term in section 2302d of title 10, United States Code.

(5) The term ''pass-through charge'' means a charge for overhead or profit on work performed by a lower-tier contractor (other than charges for the direct costs of managing lower-tier contracts and overhead and profit based on such direct costs) that does not, as determined by the Secretary for purposes of this section, promote significant value added with regard to such work.

(6) The term ''functions closely associated with inherently governmental functions'' has the meaning given such term in section 2383(b)(3) of title 10, United States Code.

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

**SEC. 824. REPORTS ON CERTAIN DEFENSE CONTRACTS IN IRAQ AND AFGHANISTAN.**

(a) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report that lists and describes each task or delivery order contract or other contract related to security and reconstruction activities in Iraq and Afghanistan in which an audit conducted by an investigative or audit component of the Department of Defense during the 90-day period ending on the date of such report resulted in a finding described in subsection (b).

(2) COVERAGE OF SUBCONTRACTS.—For purposes of this section, any reference to a contract shall be treated as a reference to such contract and to any subcontracts under such contract.

(b) COVERED FINDING.—A finding described in this subsection with respect to a task or delivery order contract or other contract described in subsection (a) is a finding by an investigative or audit component of the Department of Defense that the contract includes costs that are unsupported, questioned, or both.

(c) REPORT INFORMATION.—Each report under subsection (a) shall include, with respect to each task or delivery order contract or other contract covered by such report—

(1) a description of the costs determined to be unsupported, questioned, or both; and

(2) a statement of the amount of such unsupported or questioned costs and the percentage of the total value of such task or delivery order that such costs represent.

(d) WITHHOLDING OF PAYMENTS.—In the event that any costs under a task or delivery order contract or other contract described in subsection (a) are determined by an investigative or audit component of the Department of Defense to be unsupported, questioned, or both, the appropriate Federal procurement personnel may withhold from amounts otherwise payable to the contractor under such contract a sum of up to 100 percent of the total amount of such costs.

(e) RELEASE OF WITHHELD PAYMENTS.—Upon a subsequent determination by the appropriate Federal procurement personnel, or investigative or audit component of the Department of Defense, that any unsupported or questioned costs for which an amount payable was withheld under subsection (d) has been determined to be allowable, or upon a settlement negotiated by the appropriate Federal procurement personnel, the appropriate Federal procurement personnel may release such amount for payment to the contractor concerned.

(f) INCLUSION OF INFORMATION ON WITHHOLDING AND RELEASE IN QUARTERLY REPORTS.—Each report under subsection (a) after the initial report under that subsection shall include the following:

(1) A description of each action taken under subsection (d) or (e) during the period covered by such report.

(2) A justification of each determination or negotiated settlement under subsection (d) or (e) that appropriately explains the determination of the applicable Federal procurement personnel in terms of reasonableness, allocability, or other factors affecting the acceptability of the costs concerned.

(g) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Appropriations, Armed Services, and Homeland Security and Governmental Affairs of the Senate; and

(B) the Committees on Appropriations, Armed Services, and Government Reform of the House of Representatives.

(2) The term ''investigative or audit component of the Department of Defense'' means any of the following:

(A) The Office of the Inspector General of the Department of Defense.

(B) The Defense Contract Audit Agency.

(C) The Defense Contract Management Agency.

(D) The Army Audit Agency.

(E) The Naval Audit Service.

(F) The Air Force Audit Agency.

(3) The term ''questioned'', with respect to a cost, means an unreasonable, unallocable, or unallowable cost.

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

**SEC. 807. REPORTS ON SIGNIFICANT INCREASES IN PROGRAM ACQUISITION UNIT COSTS OR PROCUREMENT UNIT COSTS OF MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) INITIAL REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the acquisition status of each major defense acquisition program whose program acquisition unit cost or procurement unit cost, as of the date of the enactment of this Act, has exceeded by more than 50 percent the original baseline projection for such unit cost. The report shall include the information specified in subsection (c).

(b) INFORMATION.—The information specified in this subsection with respect to a major defense acquisition program is the following:

(1) An assessment of the costs to be incurred to complete the program if the program is not modified.

(2) An explanation of why the costs of the program have increased.

(3) A justification for the continuation of the program notwithstanding the increase in costs.

(c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

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).

On page 92, after line 25, add the following:

**SEC. 538. PROMOTION OF FOREIGN LANGUAGE SKILLS AMONG MEMBERS OF THE RESERVE OFFICERS' TRAINING CORPS.**

(a) IN GENERAL.—The Secretary of Defense shall support the acquisition of foreign language skills among cadets and midshipmen in the Reserve Officers' Training Corps, including through the development and implementation of—

(1) incentives for cadets and midshipmen to participate in study of a foreign language, including special emphasis for Arabic, Chinese, and other ''strategic languages'', as defined by the Secretary of Defense in consultation with other relevant agencies; and

(2) a recruiting strategy to target foreign language speakers, including members of heritage communities, to participate in the Reserve Officers' Training Corps.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the actions taken to carry out this section.

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

**SEC. 224. ARROW BALLISTIC MISSILE DEFENSE SYSTEM.**

Of the amount authorized to be appropriated by section 201(5) for research, development, test, and evaluation for Defense-wide activities and available for ballistic missile defense, $80,000,000 may be available for coproduction of the Arrow ballistic missile defense system.

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

**SEC. 213. FIELD PROGRAMMABLE GATE ARRAY.**

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

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by subsection (a), $3,000,000 may be available for Space Technology (PE # 0602601F) for research and development on the reliability of field programmable gate arrays for space applications, including design of an assurance strategy, reference architectures, research and development on reliability and radiation hardening, and outreach to industry and localities to develop core competencies.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) is hereby reduced by $3,000,000.

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

**SEC. 213. LONG WAVELENGTH ARRAY LOW FREQUENCY RADIO ASTRONOMY INSTRUMENTS.**

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $6,000,000.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $6,000,000 may be available for research and development on Long Wavelength Array low frequency radio astronomy instruments.

(2) CONSTRUCTION WITH OTHER AMOUNTS.—The amount available under paragraph (1) for the purpose set forth in that paragraph is in addition to any other amounts available under this Act for that purpose.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby reduced by $6,000,000.

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

**SEC. 807. TEMPORARY INAPPLICABILITY OF BERRY AMENDMENT TO PROCUREMENTS OF ITEMS 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 items if such items 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.

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

**SEC. 244. DELAYED EFFECTIVE DATE FOR LIMITATION ON PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.**

(a) DELAYED EFFECTIVE DATE.—Section 152(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1578), as amended by section 218(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1952; 10 U.S.C. 2281 note), is further amended by striking ''2005'' and inserting ''2007''.

(b) RATIFICATION OF ACTIONS.—Any obligation or expenditure of funds by the Department of Defense during the period beginning on October 1, 2005, and ending on the date of the enactment of this Act to modify or procure a Department of Defense aircraft, ship, armored vehicle, or indirect-fire weapon system that is not equipped with a Global Positioning System receiver is hereby ratified.

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

**SEC. 213. DEFENSE BASIC RESEARCH PROGRAMS.**

(a) ARMY PROGRAMS.—(1) The amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(1) for research, development, test, and evaluation for the Army, as increased by paragraph (1), $10,000,000 may be available for Program Element 0601103A for University Research Initiatives.

(b) NAVY PROGRAMS.—(1) The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $5,000,000.

(2) Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by paragraph (1), $5,000,000 may be available for Program Element 0601103N for University Research Initiatives.

(c) AIR FORCE PROGRAMS.—(1) The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $10,000,000.

(2) Of the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force, as increased by paragraph (1), $10,000,000 may be available for Program Element 0601103F for University Research Initiatives.

(d) DEFENSE-WIDE ACTIVITIES.—(1) The amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities is hereby increased by $15,000,000.

(2) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation for Defense-wide activities, as increased by paragraph (1)—

(A) $10,000,000 may be available for Program Element 0601120D8Z for the SMART National Defense Education Program; and

(B) $5,000,000 may be available for Program Element 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) OFFSETS.—(1) The amount authorized to be appropriated by section 301(4) is hereby reduced by $40,000,000.

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

**SEC. 1073. RETENTION OF REIMBURSEMENT FOR PROVISION OF RECIPROCAL FIRE PROTECTION SERVICES.**

Section 5 of the Act of May 27, 1955 (chapter 105; 69 Stat. 67; 42 U.S.C. 1856d) is amended—

(1) by striking ''Funds'' and inserting ''(a) Funds''; and

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

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

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

**SEC. 1073. EXPANSION OF EMERGENCY SERVICES UNDER RECIPROCAL AGREEMENTS.**

Subsection (b) of the first section of the Act of May 27, 1955 (69 Stat. 66, chapter 105; 42 U.S.C. 1856(b)) is amended by striking ''and fire fighting'' and inserting '', fire fighting, and emergency services, including basic and advanced life support, hazardous material containment and confinement, and special rescue events involving vehicular and water mishaps, and trench, building, and confined space extractions''.

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

**SEC. 807. ACQUISITION STRATEGY FOR COMMERCIAL SATELLITE COMMUNICATION SERVICES.**

(a) REQUIREMENT FOR SPEND ANALYSIS.—The Secretary of Defense shall, as a part of the effort of the Department of Defense to develop a revised strategy for acquiring commercial satellite communication services, perform a complete spend analysis of the past and current acquisitions by the Department of commercial satellite communication services.

(b) REPORT ON ACQUISITION STRATEGY.—

(1) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the acquisition strategy of the Department of Defense for commercial satellite communications services.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the spend analysis required by subsection (a), including the results of the analysis.

(B) The proposed strategy of the Department for acquiring commercial satellite communication services, which strategy shall—

(i) be based in appropriate part on the results of the analysis required by subsection (a); and

(ii) take into account various methods of aggregating purchases and leveraging the purchasing power of the Department, including through the use of multiyear contracting for commercial satellite communication services.

(C) A proposal for such legislative action as the Secretary considers necessary to acquire appropriate types and amounts of commercial satellite communications services using methods of aggregating purchases and leveraging the purchasing power of the Department (including the use of multiyear contracting), or if the use of such methods is determined inadvisable, a statement of the rationale for such determination.

(D) A proposal for such other legislative action that the Secretary considers necessary to implement the strategy of the Department for acquiring commercial satellite communication services.

In the section heading of section 582, insert ''or decreases'' after ''increases''.

In section 582(a), insert ''or decrease'' after ''overall increase''.

In the matter preceding subparagraph (A) of section 582(b)(2), insert ''or decrease'' after ''overall increase''.

In section 582(b)(2)(B), strike ''; or'' and insert a semicolon.

In section 582(b)(2)(C), strike the period at the end and insert ''; or''.

In section 528(b)(2), add at the end the following:

(D) a change in the number of housing units on a military installation.

In section 582(d)(1), insert ''or decrease'' after ''overall increase''.

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

**SEC. 573. UNIFORM POLICY ON PARENTAL LEAVE AND SIMILAR LEAVE.**

(a) POLICY REQUIRED.—The Secretary of Defense shall prescribe in regulations a uniform policy for the taking by members of the Armed Forces of parental leave to cover leave to be used in connection with births or adoptions, as the Secretary shall designate under the policy.

(b) UNIFORMITY ACROSS ARMED FORCES.—The policy prescribed under subsection (a) shall apply uniformly across the Armed Forces.

On page 96, strike lines 19 and 20 and insert the following:

''(2) Military legal assistance may be provided only by a judge advocate or a civilian attorney who is a member of the bar of a Federal court or of the highest court of a State.

''(3) In this subsection, the term 'military legal assistance' includes—

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

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

(a) PILOT PROGRAM REQUIRED.—

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

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

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

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

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

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

(c) OBJECTIVES.—

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

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

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

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

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

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

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

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

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

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

(1) a description of the pilot program;

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

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

(e) FUNDING.—

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

(2) OFFSET.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy and available for Ship Self Defense

(Detect and Control) (PE #0604755N) is hereby reduced by $160,000, with the amount of the reduction to be allocated to amounts for Autonomous Unmanned Surface Vessel.

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

**SEC. 718. RESPONSE TO MEDICAL NEEDS ARISING FROM MANDATORY MILITARY VACCINATIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

At the appropriate place, insert the following:

**SEC. ____. DEPARTMENT OF DEFENSE TASK FORCE ON MENTAL HEALTH.**

(a) REQUIREMENT TO ESTABLISH.—The Secretary of Defense shall establish within the Department of Defense a task force to examine matters relating to mental health and the Armed Forces.

(b) COMPOSITION.—

(1) MEMBERS.—The task force shall consist of not more than 14 members appointed by the Secretary of Defense from among individuals described in paragraph (2) who have demonstrated expertise in the area of mental health.

(2) RANGE OF MEMBERS.—The individuals appointed to the task force shall include—

(A) at least one member of each of the Army, Navy, Air Force, and Marine Corps; and

(B) a number of persons from outside the Department of Defense equal to the total number of personnel from within the Department of Defense (whether members of the Armed Forces or civilian personnel) who are appointed to the task force.

(3) INDIVIDUALS APPOINTED WITHIN DEPARTMENT OF DEFENSE.—At least one of the individuals appointed to the task force from within the Department of Defense shall be the surgeon general of an Armed Force or a designee of such surgeon general.

(4) INDIVIDUALS APPOINTED OUTSIDE DEPARTMENT OF DEFENSE.—(A) Individuals appointed to the task force from outside the Department of Defense may include officers or employees of other departments or agencies of the Federal Government, officers or employees of State and governments, or individuals from the private sector.

(B) The individuals appointed to the task force from outside the Department of Defense shall include—

(i) an officer or employee of the Department of Veterans Affairs appointed by the Secretary of Defense in consultation with the Secretary of Veterans Affairs;

(ii) an officer or employee of the Substance Abuse and Mental Health Services Administration of the Department of Health and Human Services appointed by the Secretary of Defense in consultation with the Secretary of Health and Human Services; and

(iii) at least two individuals who are representatives of—

(I) a mental health policy and advocacy organization; and

(II) a national veterans service organization.

(5) DEADLINE FOR APPOINTMENT.—All appointments of individuals to the task force shall be made not later than 120 days after the date of the enactment of this Act.

(6) CO-CHAIRS OF TASK FORCE.—There shall be two co-chairs of the task force. One of the co-chairs shall be designated by the Secretary of the Defense at the time of appointment from among the Department of Defense personnel appointed to the task force. The other co-chair shall be selected from among the members appointed from outside the Department of Defense by members so appointed.

(c) LONG-TERM PLAN ON MENTAL HEALTH SERVICES.—

(1) IN GENERAL.—Not later than 12 months after the date on which all members of the task force have been appointed, the task force shall submit to the Secretary a long-term plan (referred to as a strategic plan) on means by which the Department of Defense shall improve the efficacy of mental health services provided to members of the Armed Forces by the Department of Defense.

(2) UTILIZATION OF OTHER EFFORTS.—In preparing the report, the task force shall take into consideration completed and ongoing efforts by the Department of Defense to improve the efficacy of mental health care provided to members of the Armed Forces by the Department.

(3) ELEMENTS.—The long-term plan shall include an assessment of and recommendations (including recommendations for legislative or administrative action) for measures to improve the following:

(A) The awareness of the prevalence of mental health conditions among members of the Armed Forces.

(B) The efficacy of existing programs to prevent, identify, and treat mental health conditions among members of the Armed Forces, including programs for and with respect to forward-deployed troops.

(C) The reduction or elimination of barriers to care, including the stigma associated with seeking help for mental health related conditions, and the enhancement of confidentiality for members of the Armed Forces seeking care for such conditions.

(D) The adequacy of outreach, education, and support programs on mental health matters for families of members of the Armed Forces.

(E) The efficacy of programs and mechanisms for ensuring a seamless transition from care of members of the Armed Forces on active duty for mental health conditions through the Department of Defense to care for such conditions through the Department of Veterans Affairs after such members are discharged or released from military, naval, or air service.

(F) The availability of long-term follow-up and access to care for mental health conditions for members of the Individual Ready Reserve, and the Selective Reserve and for discharged, separated, or retired members of the Armed Forces.

(G) Collaboration among organizations in the Department of Defense with responsibility for or jurisdiction over the provision of mental health services.

(H) Coordination between the Department of Defense and civilian communities, including local support organizations, with respect to mental health services.

(I) The scope and efficacy of curricula and training on mental health matters for commanders in the Armed Forces.

(J) Such other matters as the task force considers appropriate.

(d) ADMINISTRATIVE MATTERS.—

(1) COMPENSATION.—Each member of the task force who is a member of the Armed Forces or a civilian officer or employee of the United States shall serve without compensation (other than compensation to which entitled as a member of the Armed Forces or an officer or employee of the United States, as the case may be). Other members of the task force shall be treated for purposes of section 3161 of title 5, United States Code, as having been appointed under subsection (b) of such section.

(2) OVERSIGHT.—The Under Secretary of Defense for Personnel and Readiness shall oversee the activities of the task force.

(3) ADMINISTRATIVE SUPPORT.—The Washington Headquarters Services of the Department of Defense shall provide the task force with personnel, facilities, and other administrative support as necessary for the performance of the duties of the task force.

(4) ACCESS TO FACILITIES.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Secretaries of the military departments, ensure appropriate access by the task force to military installations and facilities for purposes of the discharge of the duties of the task force.

(e) REPORT.—

(1) IN GENERAL.—The task force shall submit to the Secretary of Defense a report on its activities under this section. The report shall include—

(A) a description of the activities of the task force;

(B) the plan required by subsection (c); and

(C) such other mattes relating to the activities of the task force that the task force considers appropriate.

(2) TRANSMITTAL TO CONGRESS.—Not later than 90 days after receipt of the report under paragraph (1), the Secretary shall transmit the report to the Committees on Armed Services and Veterans' Affairs of the Senate and the House of Representatives. The Secretary may include in the transmittal such comments on the report as the Secretary considers appropriate.

(f) TERMINATION.—The task force shall terminate 90 days after the date on which the report of the task force is submitted to Congress under subsection (e)(2).

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

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

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

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on October 1, 2005, and shall apply

with respect to incentive special pay payable under section 302(b) of title 37, United States Code, on or after that date.

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

**SEC. 1205. REPORT ON NONSTRATEGIC NUCLEAR WEAPONS.**

(a) REVIEW.—Not later than six months after date of enactment, the Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of United States and Russian nonstrategic nuclear weapons and determine whether it is in the national security interest of the United States—

(1) to reduce the number of United States and Russian nonstrategic nuclear weapons;

(2) to improve the security of United States and Russian nonstrategic nuclear weapons in storage and during transport;

(3) to identify and develop mechanisms and procedures to implement transparent reductions in nonstrategic nuclear weapons; and

(4) to identify and develop mechanisms and procedures to implement the transparent dismantlement of excess nonstrategic nuclear weapons.

(b) REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State and the Secretary of Energy, submit a joint report on the results of the review required under subsection (a). The report shall include a plan to implement, not later than October 1, 2006, actions determined to be in the United States national security interest.

(2) FORM.—The report required under paragraph (1) shall be submitted in unclassified form, but may include an unclassified annex.

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

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

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

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

(2) protocols for the allocation and distribution of vaccines and medicines among high priority populations;

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

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

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

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

(7) surveillance efforts domestically and internationally, including those utilizing the Global Emerging Infections Systems (GEIS), and how such efforts are integrated with other ongoing surveillance systems;

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

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

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

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

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

(a) MENTAL HEALTH SCREENINGS.—

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

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

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

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

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

(3) Not later than 120 days after the date of the members return from such deployment.

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

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

**SEC. 718. MENTAL HEALTH COUNSELORS UNDER TRICARE.**

(a) IN GENERAL.—Section 1079(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(17) Services of mental health counselors, except that—

''(A) such services are limited to services provided by counselors who are licensed under applicable State law to provide mental health services;

''(B) such services may be provided independently of medical oversight and supervision only in areas identified by the Secretary as 'medically underserved areas' where the Secretary determines that 25 percent or more of the residents are located in primary shortage areas designated pursuant to section 332 of the Public Health Services Act (42 U.S.C. 254e); and

''(C) the provision of such services shall be consistent with such rules as may be prescribed by the Secretary of Defense, including criteria applicable to credentialing or certification of mental health counselors and a requirement that mental health counselors accept payment under this section as full payment for all services provided pursuant to this paragraph.''.

(b) AUTHORITY TO ENTER INTO PERSONAL SERVICES CONTRACTS.—Section 704(c)(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2799; 10 U.S.C. 1091 note) is amended by inserting ''mental health counselors,'' after ''psychologists,''.

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

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

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

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

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

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

**SEC. 1073. RENEWAL OF MORATORIUM ON RETURN OF VETERANS MEMORIAL OBJECTS TO FOREIGN NATIONS WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

Section 1051(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65, 113 Stat. 763; 10 U.S.C. 2572 note) is amended by inserting '', and during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006 and ending on September 30, 2010.

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

**SEC. 1073. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.**

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

**''CHAPTER 1201—[RESERVED]'';**

and

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

**''CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED**

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

**''§ 120101. Organization**

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

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

**''§ 120102. Purposes**

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

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

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

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

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

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

**''§ 120103. Membership**

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

**''§ 120104. Governing body**

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

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

**''§ 120105. Powers**

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

**''§ 120106. Restrictions**

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

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

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

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

''(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

**''§ 120107. Tax-exempt status required as condition of charter**

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

**''§ 120108. Records and inspection**

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

''(1) correct and complete records of account;

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

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

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

**''§ 120109. Service of process**

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

**''§ 120110. Liability for acts of officers and agents**

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

**''§ 120111. Annual report**

''The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

**''§ 120112. Definition**

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

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

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

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

**SEC. 596. CONSUMER EDUCATION FOR MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES ON INSURANCE AND OTHER FINANCIAL SERVICES.**

(a) EDUCATION AND COUNSELING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 992. Consumer education: financial services**

''(a) REQUIREMENT FOR CONSUMER EDUCATION PROGRAM FOR MEMBERS.—(1) The Secretary concerned shall carry out a program to provide comprehensive education to members of the armed forces under the jurisdiction of the Secretary on—

''(A) financial services that are available under law to members;

''(B) financial services that are routinely offered by private sector sources to members;

''(C) practices relating to the marketing of private sector financial services to members;

''(D) such other matters relating to financial services available to members, and the marketing of financial services to members, as the Secretary considers appropriate; and

''(E) such other financial practices as the Secretary considers appropriate.

''(2) Training under this subsection shall be provided to members as—

''(A) a component of members initial entry orientation training; and

''(B) a component of periodically recurring required training that is provided for the members at military installations.

''(3) The training provided at a military installation under paragraph (2)(B) shall include information on any financial services marketing practices that are particularly prevalent at that military installation and in the vicinity.

''(b) COUNSELING FOR MEMBERS AND SPOUSES.—(1) The Secretary concerned shall, upon request, provide counseling on financial services to each member of the armed forces, and such member's spouse, under the jurisdiction of the Secretary.

''(2)(A) In the case of a military installation at which at least 2,000 members of the armed forces on active duty are assigned, the Secretary concerned—

''(i) shall provide counseling on financial services under this subsection at such installation through a full-time financial services counselor at such installation; and

''(ii) may provide such counseling at such installation by any means elected by the Secretary concerned from among the following:

''(I) Through members of the armed forces in grade E–7 or above, or civilians, who provide such counseling as a part of the other duties for the Armed Forces or the Department of Defense.

''(II) By contract, including contract for services by telephone and by the Internet.

''(III) Through qualified representatives of nonprofit organizations and agencies under formal agreement with the Department of Defense to provide such counseling.

''(B) In the case of any military installation not described in subparagraph (A), the Secretary concerned shall provide counseling on financial services under this subsection at such installation by any of the means set forth in subparagraph (A)(ii), as elected by the Secretary concerned.

''(3) Each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraph (2), shall be an individual who, by reason of education, training, or experience, is qualified to provide helpful counseling to members of the armed forces and their spouses on financial services and marketing practices described in subsection (a)(1). Such individual may be a member of the armed forces or an employee of the Federal Government.

''(4) The Secretary concerned shall take such action as is necessary to ensure that each financial services counselor under paragraph (2)(A)(i), and any other individual providing counseling on financial services under paragraphs (2), is free from conflicts of interest relevant to the performance of duty under this section, and, in the performance of that duty, is dedicated to furnishing members of the armed forces and their spouses with helpful information and counseling on financial services and related marketing practices.

''(c) LIFE INSURANCE.—(1) In counseling a member of the armed forces, or spouse of a member of the armed forces, under this section regarding life insurance offered by a private sector source, a financial services counselor under subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), shall furnish the member or spouse, as the case may be, with information on the availability of Servicemembers' Group Life Insurance under subchapter III of chapter 19 of title 38, including information on the amounts of coverage available and the procedures for electing coverage and the amount of coverage.

''(2)(A) A covered member of the armed forces may not authorize payment to be made for private sector life insurance by means of an allotment of pay to which the member is entitled under chapter 3 of title 37 unless the authorization of allotment is accompanied by a written certification by a commander of the member, a financial services counselor referred to in subsection (b)(2)(A)(i), or another individual providing counseling on financial services under subsection (b)(2), as applicable, that the member has received counseling under paragraph (1) regarding the purchase of coverage under that private sector life insurance.

''(B) Subject to subparagraph (C), a written certification described in subparagraph (A) may not be made with respect to a member's authorization of allotment as described in subparagraph (A) until seven days after the date of the member's authorization of allotment in order to facilitate the provision of counseling to the member under paragraph (1).

''(C) The commander of a member may waive the applicability of subparagraph (B) to a member for good cause, including the member's imminent change of station.

''(D) In this paragraph, the term 'covered member of the armed forces' means an active duty member of the armed forces in grades E–1 through E–4.

''(d) FINANCIAL SERVICES DEFINED.—In this section, the term 'financial services' includes the following:

''(1) Life insurance, casualty insurance, and other insurance.

''(2) Investments in securities or financial instruments.

''(3) Banking, credit, loans, deferred payment plans, and mortgages.''.

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

''992. Consumer education: financial services.''.

(b) CONTINUING EFFECT OF EXISTING ALLOTMENTS FOR LIFE INSURANCE.—Paragraph (c)(2) of section 992 of title 10, United States Code (as added by subsection (a)), shall not affect any allotment of pay authorized by a member of the Armed Forces before the effective date of such section.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 120 days after the date of the enactment of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 653. EDUCATION LOAN REPAYMENT PROGRAM FOR CHAPLAINS IN THE SELECTED RESERVE.**

(a) IN GENERAL.—Chapter 1609 of title 10, United States Code, is amended by adding at the end the following new section:

**''§ 16303. Education loan repayment program: chaplains serving in the Selected Reserve**

''(a) AUTHORITY TO REPAY EDUCATION LOANS.—Under regulations prescribed by the Secretary of Defense and subject to the provisions of this section, the Secretary concerned may, for purposes of maintaining adequate numbers of chaplains in the Selected Reserve, repay a loan that—

''(1) was used by a person described in subsection (b) to finance education resulting in a Masters of Divinity degree; and

''(2) was obtained from an accredited theological seminary as listed in the Association of Theological Schools (ATS) handbook.

''(b) ELIGIBLE PERSONS.—(1) Except as provided in paragraph (2), a person described in this subsection is a person who—

''(A) satisfies the requirements specified in subsection (c);

''(B) holds, or is fully qualified for, an appointment as a chaplain in a reserve component of an armed force; and

''(C) signs a written agreement to serve not less than three years in the Selected Reserve.

''(2) A person accessioned into the Chaplain Candidate Program is not eligible for the repayment of loans under subsection (a).

''(c) ACADEMIC AND PROFESSIONAL REQUIREMENTS.—The requirements specified in this subsection are such requirements for accessioning and commissioning of chaplains as are prescribed by the Secretary concerned in regulations.

''(d) LOAN REPAYMENT.—(1) Subject to paragraph (2), the repayment of a loan under this section may consist of payment of the principal, interest, and related expenses of such loan.

''(2) The amount of any repayment of a loan made under this section on behalf of a person may not exceed $20,000 for each three year period of obligated service that the person agrees to serve in an agreement described in subsection (b)(3). Of such amount, not more than an amount equal to 50 percent of such amount may be paid before the completion by the person of the first year of obligated service pursuant to such agreement. The balance of such amount shall be payable at such time or times as are prescribed by the Secretary concerned in regulations.

''(e) EFFECT OF FAILURE TO COMPLETE OBLIGATION.—A person on behalf of whom repayment of a loan is made under this section who fails, during the period of obligated service the person agrees to serve in an agreement described in subsection (b)(3), to serve satisfactorily in the Selected Reserve may, at the election of the Secretary concerned, be required to pay the United States an amount equal to any amount of repayments made on behalf of the person in connection with the agreement.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1609 of such title is amended by adding at the end the following new item:

''16303. Education loan repayment program: chaplains serving in the Selected Reserve.''.

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

**SEC. 573. NATIONAL CALL TO SERVICE PROGRAM.**

(a) LIMITATION TO DOMESTIC NATIONAL SERVICE PROGRAMS.—Subsection (c)(3)(D) of section 510 of title 10, United States Code, is amended by striking ''in the Peace Corps, Americorps, or another national service program'' and inserting ''in Americorps or another domestic national service program''.

(b) ADMINISTRATION OF EDUCATION INCENTIVES BY SECRETARY OF VETERANS AFFAIRS.—Paragraph (2) of subsection (h) of such section is amended to read as follows:

''(2)(A) Educational assistance under paragraphs (3) or (4) of subsection (e) shall be provided through the Department of Veterans Affairs under an agreement to be entered into by the Secretary of Defense and the Secretary of Veterans Affairs. The agreements shall include administrative procedures to ensure the prompt and timely transfer of funds from the Secretary concerned to the Secretary of Veterans Affairs for the making of payments under this section.

''(B) Except as otherwise provided in this section, the provisions of sections 503, 511, 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 3686(a), 3687, and 3692) shall be applicable to the provision of educational assistance under this chapter. The term 'eligible veteran' and the term 'person', as used in those provisions, shall be deemed for the purpose of the application of those provisions to this section to refer to a person eligible for educational assistance under paragraph (3) or (4) of subsection (e).''.

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

**SEC. 522. RECRUITMENT AND ENLISTMENT OF HOME SCHOOLED STUDENTS IN THE ARMED FORCES.**

(a) POLICY ON RECRUITMENT AND ENLISTMENT.—

(1) POLICY REQUIRED.—The Secretary of Defense shall prescribe a policy on the recruitment and enlistment of home schooled students in the Armed Forces.

(2) UNIFORMITY ACROSS THE ARMED FORCES.—The Secretary shall ensure that the policy prescribed under paragraph (1) applies, to the extent practicable, uniformly across the Armed Forces.

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

(1) An identification of a graduate of home schooling for purposes of recruitment and enlistment in the Armed Forces that is in accordance with the requirements described in subsection (c).

(2) Provision for the treatment of graduates of home schooling with no practical limit with regard to enlistment eligibility.

(3) An exemption of graduates of home schooling from the requirement for a secondary school diploma or an equivalent (GED) as a precondition for enlistment in the Armed Forces.

(c) HOME SCHOOL GRADUATES.—In prescribing the policy, the Secretary of Defense shall prescribe a single set of criteria to be utilized by the Armed Forces in determining whether an individual is a graduate of home schooling. The Secretary concerned shall ensure compliance with education credential coding requirements.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned''

has the meaning given such term in section 101(a)(9) of title 10, United States Code.

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

**SEC. 595. PAY OF MEMBERS OF THE COMMISSION ON THE NATIONAL GUARD AND RESERVES.**

(a) IN GENERAL.—Subsection (e)(1) of section 513 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 1880) is amended by striking ''except that'' and all that follows through the end and inserting ''except that—

''(A) in applying the first sentence of subsection (a) of section 957 of such Act to the Commission, 'may' shall be substituted for 'shall'; and

''(B) in applying subsections (a), (c)(2), and (e) of section 957 of such Act to the Commission, 'level IV of the Executive Schedule' shall be substituted for 'level V of the Executive Schedule'.''.

(b) TECHNICAL AMENDMENT.—Subsection (c)(2)(C) of such section is amended by striking ''section 404(a)(4)'' and inserting ''section 416(a)(4)''.

On page 305, strike line 2 and all that follows through line 6, and insert the following:

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal year 2006 for the procurement accounts for the Air Force in the amounts as follows:

(1) For aircraft, $323,200,000.

(2) For other procurement, $51,900,000.

(b) AVAILABILITY OF CERTAIN AMOUNTS.—Of the amounts authorized to be appropriated by subsection (a)(1), $218,500,000 shall be available for purposes as follows:

(1) Procurement of Predator MQ-1 air vehicles, initial spares, and RSP kits.

(2) Procurement of Containerized Dual Control Station Launch and Recovery Elements.

(3) Procurement of a Fixed Ground Control Station.

(4) Procurement of other upgrades to Predator MQ–1 Ground Control Stations, spares, and signals intelligence packages.

**SEC. 1405A. REDUCTION IN AUTHORIZATION OF APPROPRIATIONS FOR IRAQ FREEDOM FUND.**

The amount authorized to be appropriated for fiscal year 2006 for the Iraq Freedom Fund is the amount specified by section 1409(a) of this Act, reduced by $218,500,000.

At the end of division A, add the following:

## TITLE XV—RECRUITMENT AND RETENTION

**SEC. 1501. SHORT TITLE.**

This title may be cited as the ''Military Recruiting Initiatives Act of 2005''.

**SEC. 1502. INCREASE IN MAXIMUM ENLISTMENT BONUS.**

(a) ENLISTMENT BONUS FOR SELECTED RESERVE MEMBERS.—Section 308c(b) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

(b) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 309(a) of title 37, United States Code, is amended by striking ''$20,000'' and inserting ''$40,000''.

**SEC. 1503. TEMPORARY AUTHORITY TO PAY BONUS TO ENCOURAGE MEMBERS OF THE ARMY TO REFER OTHER PERSONS FOR ENLISTMENT IN THE ARMY.**

(a) AUTHORITY TO PAY BONUS.—The Secretary of the Army may pay a bonus under this section to a member of the Army, whether in the regular component of the Army or in the Army National Guard or Army Reserve, who refers to an Army recruiter a person who has not previously served in an Armed Force and who, after such referral, enlists in the regular component of the Army or in the Army National Guard or Army Reserve.

(b) REFERRAL.—For purposes of this section, a referral for which a bonus may be paid under subsection (a) occurs—

(1) when a member of the Army contacts an Army recruiter on behalf of a person interested in enlisting in the Army; or

(2) when a person interested in enlisting in the Army contacts the Army recruiter and informs the recruiter of the role of the member in initially recruiting the person.

(c) CERTAIN REFERRALS INELIGIBLE.—

(1) REFERRAL OF IMMEDIATE FAMILY.—A member of the Army may not be paid a bonus under subsection (a) for the referral of an immediate family member.

(2) MEMBERS IN RECRUITING ROLES.—A member of the Army serving in a recruiting or retention assignment, or assigned to other duties regarding which eligibility for a bonus under subsection (a) could (as determined by the Secretary) be perceived as creating a conflict of interest, may not be paid a bonus under subsection (a).

(d) AMOUNT OF BONUS.—The amount of the bonus paid for a referral under subsection (a) may not exceed $1,000. The bonus shall be paid in a lump sum.

(e) TIME OF PAYMENT.—A bonus may not be paid under subsection (a) with respect to a person who enlists in the Army until the person completes basic training and individual advanced training.

(f) RELATION TO PROHIBITION ON BOUNTIES.—The referral bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10, United States Code.

(g) LIMITATION ON INITIAL USE OF AUTHORITY.—During the first year in which bonuses are offered under this section, the Secretary of the Army may not pay more than 1,000 referral bonuses per component of the Army.

(h) DURATION OF AUTHORITY.—A bonus may not be paid under subsection (a) with respect to any referral that occurs after December 31, 2007.

**SEC. 1504. INCREASE IN MAXIMUM AGE FOR ENLISTMENT.**

Section 505(a) of title 10, United States Code, is amended by striking ''thirty-five years of age'' and inserting ''forty-two years of age''.

**SEC. 1505. REPEAL OF PROHIBITION ON PRIOR SERVICE ENLISTMENT BONUS FOR RECEIPT OF OTHER ENLISTMENT OR REENLISTMENT BONUS FOR SERVICE IN THE SELECTED RESERVE.**

Section 308i(a)(2) of title 37, United States Code, is amended by striking subparagraph (D).

**SEC. 1506. INCREASE AND ENHANCEMENT OF AFFILIATION BONUS FOR OFFICERS OF THE SELECTED RESERVE.**

(a) REPEAL OF PROHIBITION ON ELIGIBILITY FOR PRIOR RESERVE SERVICE.—Subsection (a)(2) of section 308j of title 37, United States Code, is amended—

(1) in subparagraph (A), by adding ''and'' at the end;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) INCREASE IN MAXIMUM AMOUNT.—Subsection (d) of such section is amended by striking ''$6,000'' and inserting ''$10,000''.

**SEC. 1507. ENHANCEMENT OF EDUCATIONAL LOAN REPAYMENT AUTHORITIES.**

(a) ADDITIONAL LOANS ELIGIBLE FOR REPAYMENT.—Paragraph (1) of section 2171(a) of title 10, United States Code, is amended—

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

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

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) any loan incurred for educational purposes made by a lender that is—

''(i) an agency or instrumentality of a State;

''(ii) a financial or credit institution (including an insurance company) that is subject to examination and supervision by an agency of the United States or any State;

''(iii) a pension fund approved by the Secretary for purposes of this section; or

''(iv) a non-profit private entity designated by a State, regulated by such State, and approved by the Secretary for purposes of this section.''.

(b) ELIGIBILITY OF OFFICERS.—Paragraph (2) of such section is amended by striking ''an enlisted member in a military specialty'' and inserting ''a member in an officer program or military specialty''.

**SEC. 1508. REPORT ON RESERVE DENTAL INSURANCE PROGRAM.**

(a) STUDY.—The Secretary of Defense shall conduct a study of the Reserve Dental Insurance program.

(b) ELEMENTS.—The study required by subsection (a) shall—

(1) identify the most effective mechanism or mechanisms for the payment of premiums under the Reserve Dental Insurance program for members of the reserve components of the Armed Forces and their dependents, including by deduction from reserve pay, by direct collection, or by other means (including appropriate mechanisms from other military benefits programs), to ensure uninterrupted availability of premium payments regardless of whether members are performing active duty with pay or inactive-duty training with pay;

(2) include such matters relating to the Reserve Dental Insurance program as the Secretary considers appropriate; and

(3) assess the effectiveness of mechanisms for informing the members of the reserve components of the Armed Forces of the availability of, and benefits under, the Reserve Dental Insurance program.

(c) REPORT.—Not later than February 1, 2007, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall include the findings of the study and such recommendations for legislative or administrative action regarding the Reserve Dental Insurance program as the Secretary considers appropriate in light of the study.

(d) RESERVE DENTAL INSURANCE PROGRAM DEFINED.—In this section, the term ''Reserve Dental Insurance program'' includes—

(1) the dental insurance plan required under paragraph (1) of section 1076a(a) of title 10, United States Code; and

(2) any dental insurance plan established under paragraph (2) or (4) of section 1076a(a) of title 10, United States Code.

On page 48, line 21, strike ''$18,584,469,000'' and insert ''$18,581,369,000''.

At the appropriate place, insert the following:

**SEC. ___. PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.**

(a) ESTABLISHMENT.—The Secretary of Defense (referred to in this section as the ''Secretary''), through the National Security Education Program, shall conduct a 3-year pilot project to establish the Civilian Linguist Reserve Corps, which shall be composed of United States citizens with advanced levels of proficiency in foreign languages who would be available, upon request from the President, to perform any services or duties with respect to such foreign languages in the Federal Government as the President may require.

(b) IMPLEMENTATION.—In establishing the Civilian Linguist Reserve Corps, the Secretary, after reviewing the findings and recommendations contained in the report required under section 325 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107–306; 116 Stat. 2393), shall—

(1) identify several foreign languages that are critical for the national security of the United States and the relative priority of each such language;

(2) identify United States citizens with advanced levels of proficiency in those foreign languages who would be available to perform the services and duties referred to in subsection (a);

(3) cooperate with other Federal agencies with national security responsibilities to implement a procedure for calling for the performance of the services and duties referred to in subsection (a); and

(4) implement a call for the performance of such services and duties.

(c) CONTRACT AUTHORITY.—In establishing the Civilian Linguist Reserve Corps, the Secretary may enter into contracts with appropriate agencies or entities.

(d) FEASIBILITY STUDY.—During the course of the pilot project, the Secretary shall conduct a study of the best practices in implementing the Civilian Linguist Reserve Corps, including—

(1) administrative structure;

(2) languages to be offered;

(3) number of language specialists needed for each language;

(4) Federal agencies who may need language services;

(5) compensation and other operating costs;

(6) certification standards and procedures;

(7) security clearances;

(8) skill maintenance and training; and

(9) the use of private contractors to supply language specialists.

(e) REPORTS.—

(1) EVALUATION REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter until the expiration of the 3-year period beginning on such date of enactment, the Secretary shall submit to Congress an evaluation report on the pilot project conducted under this section.

(B) CONTENTS.—Each report required under subparagraph (A) shall contain information on the operation of the pilot project, the success of the pilot project in carrying out the objectives of the establishment of a Civilian Linguist Reserve Corps, and recommendations for the continuation or expansion of the pilot project.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot project, the Secretary shall submit to Congress a final report summarizing the lessons learned, best practices, and recommendations for full implementation of the Civilian Linguist Reserve Corps.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,100,000 for fiscal year 2006 to carry out the pilot project under this section.

(g) OFFSET.—The amounts authorized to be appropriated by section 301(4) are hereby reduced by $3,100,000 from operation and maintenance, Air Force.

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

**SEC. 213. PROJECT SHERIFF.**

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

(b) OFFSET.—Of the amount authorized to be appropriated by section 301(4) is hereby reduced by $10,000,000.

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

**SEC. 330. REPORT ON AIRCRAFT TO PERFORM HIGH-ALTITUDE AVIATION TRAINING SITE.**

Not later than December 15, 2005, the Secretary of the Army shall submit to the congressional defense committee a report containing the following:

(1) An evaluation of the type of aircraft available in the inventory of the Army that is most suitable to perform the High-altitude Aviation Training Site (HAATS) Mission.

(2) A determination of when such aircraft may be available for assignment to the HAATS.

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

**SEC. 213. MEDIUM TACTICAL VEHICLE MODIFICATIONS.**

(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount authorized to be appropriated by section 201(1) for Research, Development, Test, and Evaluation for the Army, is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(1) for Research, Development, Test, and Evaluation for the Army, as increased by subsection (a), $5,000,000 may be available for Medium Tactical Vehicle Modifications.

(c) OFFSET.—The amount authorized to be appropriated by section 301(4) for Operation and Maintenance for the Air Force is hereby reduced by $5,000,000.

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**SA 1957.** Mr. HARKIN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities, nor shall any of the funds be made available without a certification by the Secretary of Defense that the political programming of the American Forces Network is in compliance with the standards of integrity, fairness, and balance set out in Department of Defense Directive 5120.20R and the appointment of an ombudsman to ensure compliance with such standards. The ombudsman so appointed shall submit to the Secretary of Defense and the congressional defense committees each year a report on the activities of the ombudsman during the preceding year.

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**SA 1958.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, as added by Senate amendment No. ____, add the following:

**SEC. 1044. MONTHLY BRIEFINGS ON STRATEGY ON IRAQ.**

(a) MONTHLY BRIEFINGS ON STRATEGY ON IRAQ.—The Department of Defense shall, in conjunction with analysts of the Central Intelligence Agency, provide the appropriate committees of Congress on a monthly basis a briefing on the strategy for winning in Iraq recently announced by the Administration, 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, Appropriations, and Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, Appropriations, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

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**SA 1959.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) MONTHLY BRIEFINGS ON STRATEGY ON IRAQ.—The Department of Defense shall, in conjunction with analysts of the Central Intelligence Agency, provide the appropriate committees of Congress on a monthly basis a briefing on the strategy for winning in Iraq recently announced by the Administration, 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, Appropriations, and Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, Appropriations, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

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**SA 1960.** Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title III under the heading ''PROCUREMENT OF AMMUNITION, ARMY'', up to $1,900,000 may be used for the procurement of M19 modern demolition initiators.

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**SA 1961.** Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IX under the heading ''AIRCRAFT PROCUREMENT, ARMY'' and available for Aircraft Survivability Equipment, up to $2,000,000 may be used for AN/AVR–2A/B Laser Detecting Sets for helicopters.

**SA 1962.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $5,000,000 may be used for High Performance Defense Manufacturing Technology Research and Development.

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**SA 1963.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, add the following:

**SEC. 8116. ENSURING TRANSPARENCY IN FEDERAL CONTRACTING.**

(a) PUBLICATION OF INFORMATION ON FEDERAL CONTRACTOR MISCONDUCT.—The Secretary of Defense shall maintain a publicly-available website that provides information on instances of improper conduct by contractors entering into or carrying out Federal contracts, including instances in which contractors have been fined, paid penalties or restitution, settled, plead guilty to, or had judgments entered against them in connection with allegations of improper conduct.

(b) REPORTS ON FEDERAL NO-BID CONTRACTS RELATED TO IRAQ RECONSTRUCTION.—

(1) REPORTS REQUIRED.—Not later than 7 days after entering into a no-bid contract to procure property or services in connection with Iraq reconstruction, the head of an executive agency shall submit to the Secretary of Defense a report on the contract.

(2) CONTENT.—Each report submitted under paragraph (1) shall include the following information:

(A) The date the contract was awarded.

(B) The contract number.

(C) The name of the contractor.

(D) The amounts awarded and obligated under the contract.

(E) The scope of work under the contract.

(3) PUBLICATION.—The Secretary of Defense shall maintain a publicly-available website that lists the information provided in reports submitted under paragraph (1).

(4) 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).

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**SA 1964.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) STUDY ON DEPARTMENT OF DEFENSE TRANSITION ASSISTANCE SERVICES.—

(1) STUDY PANEL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly establish a panel to conduct a study on means of improving the Transition Assistance Program (TAP) and other reintegration services for members of the National Guard and the Reserves. The panel shall be established not later than 60 days after the date of the enactment of this Act.

(2) COMPOSITION.—The panel established under paragraph (1) shall be composed of the following:

(A) Such officers or employees of the Department of Defense as the Secretary of Defense shall appoint to the panel.

(B) Such officers or employees of the Department of Veterans Affairs as the Secretary of Veterans Affairs shall appoint to the panel.

(C) Such individuals from the private sector as the Secretary of Defense and the Secretary of Veterans Affairs shall jointly appoint to the panel from among individuals in the private sector who have expertise in the matters to be studied by the panel, including individuals with expertise in occupational and employment adjustment matters, psychologists or other mental health professionals, and family specialists.

(3) STUDY ELEMENTS.—The panel established under paragraph (1) shall conduct a study on means of improving the Transition Assistance Program and other reintegration services for members of the National Guard and the Reserves, including means of improving the following under the Program:

(A) Training on interpersonal skills and life skills.

(B) Readjustment counseling.

(C) Briefings and workshops presented by the Department of Veterans Affairs to members before their completion of service on active duty.

(D) The duration of training sessions and workshops, so that such sessions and workshops continue for members for at least one year after their completion of service on active duty.

(E) Education and outreach on the transition benefits available to members of the National Guard and Reserves from the Federal Government, State and local governments, private organizations, and non-profit public service organizations.

(4) REPORT.—Not later than 120 days after the date of the enactment of this Act, the panel established under paragraph (1) shall submit to the Secretary of Defense and the Secretary of Veterans Affairs a report on the study conducted by the panel under this subsection. The report shall include the findings of the panel as a result of the study and such recommendations, including recommendations on the matters specified in paragraph (3), as the panel considers appropriate as a result of the study.

(5) TRANSMITTAL OF REPORT.—Not later than 60 days after receipt of the report under paragraph (4), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly transmit the report to Congress, together with such comments on the report as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate.

(b) STUDY ON OTHER NATIONAL GUARD AND RESERVE BENEFITS.—

(1) STUDY PANEL.—The Secretary of Defense shall establish a panel to conduct a study on the adequacy of current pay and benefits, including health care and other benefits, for members of the National Guard and the Reserves under the current policies and practices of the Armed Forces relating to the utilization of the National Guard and the Reserves. The panel shall be established not later than 60 days after the date of the enactment of this Act.

(2) COMPOSITION.—The panel established under paragraph (1) shall be composed of the following:

(A) Such officers or employees of the Department of Defense as the Secretary of Defense shall appoint to the panel.

(B) Such individuals from the private sector as the Secretary of Defense shall appoint to the panel from among individuals in the private sector who have expertise in the matters to be studied by the panel.

(3) STUDY ELEMENTS.—The panel established under paragraph (1) shall conduct a study of the adequacy of current pay and benefits, including health care and other benefits, for members of the National Guard and the Reserves under the current policies and practices of the Armed Forces relating to the utilization of the National Guard and the Reserves, including—

(A) the advisability of separate systems of pay for members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces;

(B) the advisability of different eligibility for medical and dental care for members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces; and

(C) the advisability of the modification or improvement of other policies and practices relating to the pay and benefits of members of the National Guard and the Reserves in order to improve the quality of life of such members while serving in the National Guard or Reserves.

(4) REPORT.—Not later than 120 days after the date of the enactment of this Act, the panel established under paragraph (1) shall submit to the Secretary of Defense a report on the study conducted by the panel under this subsection. The report shall include the findings of the panel as a result of the study and such recommendations, including recommendations on the matters specified in paragraph (3), as the panel considers appropriate as a result of the study.

(5) TRANSMITTAL OF REPORT.—Not later than 60 days after receipt of the report under paragraph (4), the Secretary of Defense shall transmit the report to Congress, together with such comments on the report as the Secretary of Defense considers appropriate.

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**SA 1965.** Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $100,000,000 may be used for programs to assist in the education or child care of dependent children of members of the Armed Forces.

(b) ALLOCATION OF AMOUNT.—Of the amount available under subsection (a)—

(1) $50,000,000 may be used for the Impact Aid program of the Department of Defense;

(2) $5,000,000 may be used for the Impact Aid for Children with Disabilities program of the Department of Defense;

(3) $15,000,000 may be used for grants to local education agencies with significant enrollment changes in military dependent student due to force structure changes, troop relocations, creation of new units, and realignment under defense base closure and realignment;

(4) $20,000,000 may be used for grants to assist in the child care costs of members of the Armed Forces on active duty for Operation

Enduring Freedom or Operation Iraqi Freedom who do not have access to military child care programs; and

(5) $10,000,000 may be used for grants to local educational agencies that are not eligible for funding under the Impact Aid program of the Department of Defense to provide for the additional education and counseling of military dependent children and educators affected by Operation Enduring Freedom or Operation Iraqi Freedom.

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**SA 1966.** Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the aggregate amount appropriated by title IX, up to $103,000,000 may be used for the Common Remotely Operated Weapons Station (CROWS).

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**SA 1967.** Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 1783, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to reform the pension funding rules, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. AMENDMENTS RELATING TO PROHIBITED TRANSACTIONS.**

(a) EXEMPTION FOR BLOCK TRADING.—

(1) IN GENERAL.—Section 408(b) of the Employee Retirement Income Security Act (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

''(14) BLOCK TRADING.—

''(A) IN GENERAL.—Any transaction involving the purchase or sale of securities or other property between a plan and a party in interest (other than a fiduciary who has investment discretion or control over the transaction or is providing investment advice as a fiduciary for purposes of this title to enter into the transaction) with respect to a plan if—

''(i) the transaction involves a block trade,

''(ii) at the time of the transaction, the interest of the plan (together with the interests of any other plans maintained by the same plan sponsor) does not exceed 10 percent of the aggregate size of the block trade, and

''(iii) the terms of the transaction, including the price, are at least as favorable to the plan as an arm's length transaction.

''(B) BLOCK TRADE DEFINED.—For purposes of this paragraph, the term 'block trade' includes any trade which will be allocated across two or more client accounts of a fiduciary.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 4975(d) of such Code is amended—

(i) by striking ''or'' at the end of paragraph (15),

(ii) by striking the period at the end of paragraph (16) and inserting ''; or'', and

(iii) by adding at the end the following:

''(17) any transaction involving the purchase or sale of securities or other property between a plan and a disqualified person (other than a fiduciary who has investment discretion or control over the transaction or is providing investment advice as a fiduciary for purposes of title I of the Employee Retirement Income Security Act to enter into the transaction) with respect to a plan if—

''(A) the transaction involves a block trade,

''(B) at the time of the transaction, the interest of the plan (together with the interests of any other plans maintained by the same plan sponsor) does not exceed 10 percent of the aggregate size of the block trade, and

''(C) the terms of the transaction, including the price, are at least as favorable to the plan as an arm's length transaction.''.

(B) Section 4975(e) of such Code is amended by adding at the end the following new paragraph:

''(11) BLOCK TRADE.—The term 'block trade' includes any trade which will be allocated across two or more client accounts of a fiduciary.''.

(b) BONDING RELIEF.—Section 412(a) of such Act (29 U.S.C. 1112(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3),

(2) by striking ''and'' at the end of paragraph (1), and

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

''(2) no bond shall be required of an entity which is subject to regulation as a broker or a dealer under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) or an entity registered under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.), including requirements imposed by a self-regulatory organization (within the meaning of section 3(a)(26) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(26)), or any affiliate with respect to which the broker or dealer agrees to be liable to the same extent as if such broker or dealer held the assets directly.''.

(c) EXEMPTION FOR ELECTRONIC COMMUNICATION NETWORK.—

(1) IN GENERAL.—Section 408(b) of such Act (29 U.S.C. 1108(b)), as amended by subsection (a)(1), is amended by adding at the end the following:

''(15) ELECTRONIC COMMUNICATION NETWORK.—Any transaction involving the purchase and sale of securities or other property between a plan and a fiduciary or a party in interest if—

''(A) the transaction is executed through an exchange, electronic communication network, alternative trading system, or similar execution system or trading venue subject to regulation and oversight by a United States regulatory entity regardless of whether such fiduciary or party in interest, or an affiliate of either, has an interest in such exchange, network, trading system, or similar system or trading venue,

''(B) the price and compensation associated with the purchase and sale are not greater than an arm's length transaction with an unrelated party,

''(C) the fiduciary or party in interest directing the transaction, or an affiliate of either, has an ownership interest in the execution system or trading venue (other than a national securities exchange or national securities association registered with the Securities and Exchange Commission or a designated contract market, derivatives clearing organization, or derivatives transaction execution facility registered with the Commodity Futures Trading Commission) the execution of transactions on such system or venue is annually authorized by a plan fiduciary,

''(D) the transaction is executed in accordance with the nondiscretionary rules and procedures adopted by an execution system or trading venue to match offsetting orders, and

''(E)(i) neither the execution system nor the parties to the transaction take into account the identity of the parties in the execution of trades, and the parties to the transaction do not actually know the identity of the other at the time that the terms and price of the transaction are agreed to, or

''(ii) the transaction is effected pursuant to rules designed to match purchases and sales at the best price available through the execution system or trading venue.''.

(2) CONFORMING AMENDMENTS.—Section 4975(d) of such Code, as amended by subsection (a)(2), is amended—

(A) by striking ''or'' at the end of paragraph (16),

(B) by striking the period at the end of paragraph (17)(C) and inserting ''; or'', and

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

''(18) any transaction involving the purchase and sale of securities or other property between a plan and a fiduciary or a disqualified person if—

''(A) the transaction is executed through an exchange, electronic communication network, alternative trading system, or similar execution system or trading venue subject to regulation and oversight by a United States regulatory entity regardless of whether such fiduciary or disqualified person, or an affiliate of either, has an interest in such exchange, network, trading system, or similar system or trading venue,

''(B) the price and compensation associated with the purchase and sale are not greater than an arm's length transaction with an unrelated party,

''(C) the fiduciary or disqualified person directing the transaction, or an affiliate of either, has an ownership interest in the execution system or trading venue (other than a national securities exchange or national securities association registered with the Securities and Exchange Commission or a designated contract market, derivatives clearing organization, or derivatives transaction execution facility registered with the Commodity Futures Trading Commission) the execution of transactions on such system or venue is annually authorized by a plan fiduciary,

''(D) the transaction is executed in accordance with the nondiscretionary rules and procedures adopted by an execution system or trading venue to match offsetting orders, and

''(E)(i) neither the execution system nor the parties to the transaction take into account the identity of the parties in the execution of trades, and the parties to the transaction do not actually know the identity of the other at the time that the terms and price of the transaction are agreed to, or

''(ii) the transaction is effected pursuant to rules designed to match purchases and sales at the best price available through the execution system or trading venue.''.

(d) EXEMPTION FOR SERVICE PROVIDERS.—

(1) IN GENERAL.—Section 408(b) of such Act (29 U.S.C. 1108(b)), as amended by subsection (c)(1), is amended by adding at the end the following new paragraph:

''(16) EXEMPTION FOR SERVICE PROVIDERS.—

''(A) IN GENERAL.—Transactions described in subparagraphs (A), (B), and (D) of section 406(a)(1) between a plan and a party that is a party in interest (including a fiduciary but other than a fiduciary who has investment discretion or control over the transaction or is providing investment advice as a fiduciary for purposes of this title to enter into the transaction) solely by reason of providing services to the plan or solely by reason of a relationship to a service provider described in subparagraph (F), (G), (H), or (I) of section 3(14), or both, but only if in connection with such transaction the plan receives no less than adequate consideration.

''(B) ADEQUATE CONSIDERATION.—For purposes of this paragraph, the term 'adequate consideration' means—

''(i) in the case of a security for which there is a generally recognized market—

''(I) the price of the security prevailing on a national securities exchange which is registered under section 6 of the Securities Exchange Act of 1934, taking into account factors such as the size of the transaction and marketability of the security, or

''(II) if the security is not traded on such a national securities exchange, a price not less favorable to the plan than the offering price for the security as established by the current bid and asked prices quoted by persons independent of the issuer and of the party in interest, taking into account factors such as the size of the transaction and marketability of the security, and

''(ii) in the case of an asset other than a security for which there is a generally recognized market, the fair market value of the asset as determined in good faith by a fiduciary or fiduciaries in accordance with regulations prescribed by the Secretary.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 4975(d) of such Code, as amended by subsection (c)(2), is amended—

(i) by striking ''or'' at the end of paragraph (17),

(ii) by striking the period at the end of paragraph (18), and inserting ''; or'', and

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

''(19) transactions described in subparagraphs (A), (B), and (D) of subsection (c)(1) between a plan and a party that is a disqualified person (including a fiduciary but other than a fiduciary who has investment discretion or control over the transaction or is providing investment advice as a fiduciary for purposes of title I of the Employee Retirement Income Security Act to enter into the transaction) solely by reason of providing services to the plan or solely by reason of a relationship to a service provider described in subparagraph (F), (G), (H), or (I) of subsection (e)(2), or both, but only if in connection with such transaction the plan receives no less than adequate consideration.''.

(B) Section 4975(e) of such Code, as amended by subsection (a)(2)(B), is amended by adding at the end the following new paragraph:

''(12) ADEQUATE CONSIDERATION.—For purposes of subsection (d)(19), the term 'adequate consideration' means—

''(A) in the case of a security for which there is a generally recognized market—

''(i) the price of the security prevailing on a national securities exchange which is registered under section 6 of the Securities Exchange Act of 1934, taking into account factors such as the size of the transaction and marketability of the security, or

''(ii) if the security is not traded on such a national securities exchange, a price not less favorable to the plan than the offering price for the security as established by the current bid and asked prices quoted by persons independent of the issuer and of the disqualified person, taking into account factors such as the size of the transaction and marketability of the security, and

''(B) in the case of an asset other than a security for which there is a generally recognized market, the fair market value of the asset as determined in good faith by a fiduciary or fiduciaries in accordance with regulations prescribed by the Secretary of Labor.''.

(e) RELIEF FOR FOREIGN EXCHANGE TRANSACTIONS.—

(1) IN GENERAL.—Section 408(b) of such Act (29 U.S.C. 1108(b), as amended by subsection (d)(1), is amended by adding at the end the following new paragraph:

''(17) FOREIGN EXCHANGE TRANSACTIONS.—Any foreign exchange transactions, between a bank or broker-dealer, or any affiliate of either thereof, and a plan or an individual retirement account (within the meaning of section 408 of the Internal Revenue Code of 1986) with respect to which the bank or broker-dealer, or any affiliate, is a trustee, custodian, fiduciary, or other party in interest, if—

''(A) the transaction is in connection with the purchase, holding, or sale of securities or other property (other than a currency transaction unrelated to any other investment in securities or other property),

''(B) at the time the foreign exchange transaction is entered into, the terms of the transaction are not less favorable to the plan than the terms generally available in comparable arm's length foreign exchange transactions between unrelated parties, or the terms afforded by the bank or the broker-dealer (or any affiliate thereof) in comparable arm's-length foreign exchange transactions involving unrelated parties, and

''(C) the exchange rate used by the bank or broker-dealer for a particular foreign exchange transaction does not deviate by more or less than 3 percent from the interbank bid and asked rates at the time of the transaction as displayed on an independent service that reports rates of exchange in the foreign currency market for such currency.''.

(2) CONFORMING AMENDMENT.—Section 4975(d) of such Code, as amended by subsection (d)(2)(A), is amended—

(A) by striking ''or'' at the end of paragraph (18),

(B) by striking the period at the end of paragraph (19) and inserting ''; or'', and

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

''(20) any foreign exchange transactions, between a bank or broker-dealer, or any affiliate of either thereof, and a plan or an individual retirement account (within the meaning of section 408) with respect to which the bank or broker-dealer, or any affiliate, is a trustee, custodian, fiduciary, or disqualified person, if—

''(A) the transaction is in connection with the purchase, holding, or sale of securities or other property (other than a currency transaction unrelated to any other investment in securities or other property),

''(B) at the time the foreign exchange transaction is entered into, the terms of the transaction are not less favorable to the plan than the terms generally available in comparable arm's length foreign exchange transactions between unrelated parties, or the terms afforded by the bank or the broker-dealer (or any affiliate thereof) in comparable arm's-length foreign exchange transactions involving unrelated parties, and

''(C) the exchange rate used by the bank or broker-dealer for a particular foreign exchange transaction does not deviate by more or less than 3 percent from the interbank bid and asked rates at the time of the transaction as displayed on an independent service that reports rates of exchange in the foreign currency market for such currency.''.

(f) DEFINITION OF PLAN ASSET VEHICLE.—Section 3 of such Act (29 U.S.C. 1002) is amended by adding at the end the following new paragraph:

''(42) PLAN ASSETS.—The term 'plan assets' means plan assets as defined by such regulations as the Secretary may prescribe, except that under such regulations the assets of any entity shall not be treated as plan assets if, immediately after the most recent acquisition of any equity interest in the entity, less than 25 percent of the total value of all equity interests in the entity are held by benefit plan investors. For purposes of determinations pursuant to this paragraph, the value of any equity interest owned on a proprietary basis by a person (other than such a benefit plan investor) who has discretionary authority or control with respect to the assets of the entity or any person who provides investment advice for a fee (direct or indirect) with respect to such assets, or any affiliate of such a person, shall be disregarded for purposes of calculating the 25 percent threshold. A benefit plan investor shall be considered to hold plan assets only to the extent of the percentage of the equity interest owned by benefit plan investors. For purposes of this paragraph, the term 'benefit plan investor' means an employee benefit plan subject to part IV of subtitle B and any plan to which section 401(a) of the Internal Revenue Code of 1986 applies.''.

(g) CORRECTION PERIOD FOR CERTAIN TRANSACTIONS INVOLVING SECURITIES AND COMMODITIES.—

(1) IN GENERAL.—Section 408(b) of such Act (29 U.S.C. 1108(b)), as amended by subsection (e)(1), is amended by adding at the end the following new paragraph:

''(18) CORRECTION PERIOD FOR CERTAIN TRANSACTIONS INVOLVING SECURITIES AND COMMODITIES.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), a transaction described in section 406(a) in connection with the acquisition, holding, or disposition of any security or commodity, if the transaction is corrected before the end of the correction period.

''(B) EXCEPTION FOR EMPLOYER SECURITIES AND REAL PROPERTY.—Subparagraph (A) does not apply to any transaction between a plan and a plan sponsor or its affiliates that involves the acquisition or sale of an employer security (as defined in section 407(d)(1)) or the acquisition, sale, or lease of employer real property (as defined in section 407(d)(2)).

''(C) EXCEPTION FOR KNOWING VIOLATIONS.—In the case of any fiduciary or other party in interest (or any other person knowingly participating in such transaction), subparagraph (A) does not apply to any prohibited transaction if, at the time such transaction occurs, such fiduciary or party in interest (or other person) knew that the transaction would (without regard to this paragraph) constitute a violation of section 406(a).

''(D) CORRECTION PERIOD.—For purposes of this paragraph, the term 'correction period' means the 14-day period beginning on the later of—

''(i) the date on which such transaction occurs, or

''(ii) the date such fiduciary or party in interest (or other person) knew, or reasonably should have known, the facts that would cause the transaction (without regard to this paragraph) to constitute a violation of section 406(a).

''(E) OTHER DEFINITIONS.—For purposes of this paragraph—

''(i) the term 'security' has the meaning given such term by section 475(c)(2) of the Internal Revenue Code of 1986 (without regard to subparagraph (F)(iii) and the last sentence thereof),

''(ii) the term 'commodity' has the meaning given such term by section 475(e)(2) of such Code (without regard to subparagraph (D)(iii) thereof), and

''(iii) the terms 'correction' and 'correct' mean, with respect to a transaction, undoing the transaction to the extent possible, but in any case, making good to the plan or affected account any losses resulting from the transaction and restoring to the plan or affected account any profits made through use of the plan.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 4975(d) of such Code, as amended by subsection (e)(2), is amended—

(i) by striking ''or'' at the end of paragraph (19),

(ii) by striking the period at the end of paragraph (20) and inserting ''; or'', and

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

''(21) except as provided in subparagraph (B) or (C) of subsection (f)(8), a transaction described in subparagraph (A), (B), (C), or (D) of subsection (c)(1) in connection with the acquisition, holding, or disposition of any security or commodity, if the transaction is corrected before the end of the correction period.''.

(B) Section 4975(f) of such Code is amended by adding at the end the following new paragraph:

''(8) CORRECTION PERIOD.—

''(A) IN GENERAL.—For purposes of subsection (d)(21), the term 'correction period' means the 14-day period beginning on the later of—

''(i) the date on which such transaction occurs, or

''(ii) the date such fiduciary or disqualified person (or other person) knew, or reasonably should have known, the facts that would cause the transaction (without regard to subsection (d)(21) or this paragraph) to constitute a violation of subparagraph (A), (B), (C), or (D) of subsection (c)(1).

''(B) EXCEPTION FOR EMPLOYER SECURITIES AND REAL PROPERTY.—Subsection (d)(21) does not apply to any transaction between a plan and a plan sponsor or its affiliates that involves the acquisition or sale of an employer security (as defined in section 407(d)(1) of the Employee Retirement Income Security Act) or the acquisition, sale, or lease of employer real property (as defined in section 407(d)(2) of such Act).

''(C) EXCEPTION FOR KNOWING VIOLATIONS.—In the case of any fiduciary or other disqualified person (or any other person knowingly participating in such transaction), subsection (d)(21) does not apply to any prohibited transaction if, at the time such transaction occurs, such fiduciary or disqualified person (or other person) knew that the transaction would (without regard to subsection (d)(21) or this paragraph) constitute a violation of subparagraph (A), (B), (C), or (D) of subsection (c)(1).

''(D) ABATEMENT OF TAX WHERE THERE IS A CORRECTION.—If a transaction is not treated as a prohibited transaction by reason of subsection (d)(21), then no tax under subsections (a) and (b) shall be assessed with respect to such transaction, and, if assessed, the assessment shall be abated, and, if collected, shall be credited or refunded as an overpayment.

''(E) OTHER DEFINITIONS.—For purposes of this paragraph and subsection (d)(21)—

''(i) the term 'security' has the meaning given such term by section 475(c)(2) (without regard to subparagraph (F)(iii) and the last sentence thereof),

''(ii) the term 'commodity' has the meaning given such term by section 475(e)(2) (without regard to subparagraph (D)(iii) thereof), and

''(iii) the terms 'correction' and 'correct' mean, with respect to a transaction, undoing the transaction to the extent possible, but in any case, making good to the plan or affected account any losses resulting from the transaction and restoring to the plan or affected account any profits made through use of the plan.''.

(C) Section 4975(f)(5) of such Code is amended by striking ''The terms'' and inserting ''Except as provided in paragraph (8)(E)(iii), the terms''.

(h) CROSS TRADING.—

(1) IN GENERAL.—Section 408(b) of such Act (29 U.S.C. 1108(b)), as amended by subsection (g)(1), is amended by adding at the end the following new paragraph:

''(19) CROSS TRADING.—Any transaction involving the purchase and sale of a security or other property between a plan and any other account managed by the same fiduciary, if—

''(A) the transaction is a purchase or sale, for no consideration other than cash payment against prompt delivery of a security or other property for which market quotations are readily available,

''(B) the transaction is effected at the independent current market price of the security or other property (within the meaning of section 270.17a–7(b) of title 17, Code of Federal Regulations),

''(C) no brokerage commission, fee (except for customary transfer fees or similar fees, the fact of which is disclosed pursuant to subparagraph (D)), or other remuneration is paid to the fiduciary directing the transaction in connection with the transaction,

''(D) a fiduciary for each plan participating in the transaction authorizes (in a document that is separate from any other written agreement of the parties or in the terms of the plan) the investment manager to engage in cross trades at the investment manager's discretion, after such fiduciary has received disclosure regarding the conditions under which cross trades may take place (but only if such disclosure is separate from any other agreement or disclosure involving the asset management relationship),

''(E) each plan participating in the transaction has assets of at least $50,000,000 (unless the plan is invested in a pooled account), except that if the assets of a plan are invested in a master trust containing the assets of plans maintained by employers in the same controlled group (as defined in section 407(d)(7)), the master trust has assets of at least $50,000,000,

''(F) the investment manager provides a quarterly report detailing the cross trades in which the plan participated to the plan fiduciary who authorized cross trading under subparagraph (D), and

''(G) the fiduciary does not base its fee schedule on the plan's consent to cross trading, and no other service (other than the investment opportunities and cost savings available through a cross trade) is conditioned on the plan's consent to cross trading.''.

(2) CONFORMING AMENDMENT.—Section 4975(d) of such Code, as amended by subsection (g)(2)(A), is amended—

(A) by striking ''or'' at the end of paragraph (20),

(B) by striking the period at the end of paragraph (21) and inserting ''; or'', and

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

''(22) any transaction involving the purchase and sale of a security or other property between a plan and any other account managed by the same fiduciary, if—

''(A) the transaction is a purchase or sale, for no consideration other than cash payment against prompt delivery of a security or other property for which market quotations are readily available,

''(B) the transaction is effected at the independent current market price of the security or other property (within the meaning of section 270.17a–7(b) of title 17, Code of Federal Regulations),

''(C) no brokerage commission, fee (except for customary transfer fees or similar fees, the fact of which is disclosed pursuant to subparagraph (D)), or other remuneration is paid to the fiduciary directing the transaction in connection with the transaction,

''(D) a fiduciary for each plan participating in the transaction authorizes (in a document that is separate from any other written agreement of the parties or in the terms of the plan) the investment manager to engage in cross trades at the investment manager's discretion, after such fiduciary has received disclosure regarding the conditions under which cross trades may take place (but only if such disclosure is separate from any other agreement or disclosure involving the asset management relationship),

''(E) each plan participating in the transaction has assets of at least $50,000,000 (unless the plan is invested in a pooled account), except that if the assets of a plan are invested in a master trust containing the assets of plans maintained by employers in the same controlled group (as defined in section 407(d)(7) of the Employee Retirement Security Act), the master trust has assets of at least $50,000,000,

''(F) the investment manager provides a quarterly report detailing the cross trades in which the plan participated to the plan fiduciary who authorized cross trading under subparagraph (D), and

''(G) the fiduciary does not base its fee schedule on the plan's consent to cross trading, and no other service (other than the investment opportunities and cost savings available through a cross trade) is conditioned on the plan's consent to cross trading.''.

(i) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to any transaction after the date of the enactment of this Act.

(2) CORRECTION PERIOD.—The amendments made by subsection (g) shall apply to any transaction which the fiduciary or disqualified person discovers, or reasonably should have discovered, after the date of the enactment of this Act, constitutes a prohibited transaction.

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**SA 1968.** Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE'', up to $3,000,000 may be available to deploy a modern, scalable visualization environment for Ship Engineering and Analysis Technology Research (SEATech).

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**SA 1969.** Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. (a) The Secretary of the Navy may donate the World War II-era marine railway located at the United States Naval Academy, Annapolis, Maryland, to the Richardson Maritime Heritage Center, Cambridge, Maryland.

(b) The marine railway donated under subsection (a) may not be used for commercial purposes.

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**SA 1970.** Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes;

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

At the appropriate place, insert the following:

SEC. ____.(a) REIMBURSEMENT FOR CERTAIN PROTECTIVE, SAFETY, OR HEALTH EQUIPMENT PURCHASED BY OR FOR MEMBERS OF THE ARMED FORCES FOR DEPLOYMENT IN OPERATIONS IN IRAQ AND CENTRAL ASIA.—

(1) IN GENERAL.—Subject to subsections (d) and (e), the Secretary of Defense shall reimburse a member of the Armed Forces, or a person or entity referred to in paragraph (2), for the cost (including shipping cost) of any protective, safety, or health equipment that was purchased by such member, or such person or entity on behalf of such member, before or during the deployment of such member in Operation Noble Eagle, Operation Enduring Freedom, or Operation Iraqi Freedom for the use of such member in connection with such operation if the unit commander of such member certifies that such equipment was critical to the protection, safety, or health of such member.

(2) COVERED PERSONS AND ENTITIES.—A person or entity referred to in this paragraph is a family member or relative of a member of the Armed Forces, a non-profit organization, or a community group.

(3) REGULATIONS NOT REQUIRED FOR REIMBURSEMENT.—Reimbursements may be made under this subsection in advance of the promulgation by the Secretary of Defense of regulations, if any, relating to the administration of this section.

(b) PROTECTIVE EQUIPMENT REIMBURSEMENT FUND.—

(1) ESTABLISHMENT.—There is hereby established an account to be known as the ''Protective Equipment Reimbursement Fund'' (in this subsection referred to as the ''Fund'').

(2) ELEMENTS.—The Fund shall consist of amounts deposited in the Fund from amounts available for the Fund under subsection (f).

(3) AVAILABILITY.—Amounts in the Fund shall be available directly to the unit commanders of members of the Armed Forces for the making of reimbursements for protective, safety, and health equipment under subsection (a).

(4) DOCUMENTATION.—Each person seeking reimbursement under subsection (a) for protective, safety, or health equipment purchased by or on behalf of a member of the Armed Forces shall submit to the unit commander of such member such documentation as is necessary to establish each of the following:

(A) The nature of such equipment, including whether or not such equipment qualifies as protective, safety, or health equipment under subsection (c).

(B) The cost of such equipment.

(c) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—Protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army, or equivalent programs of the other Armed Forces, such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, a gun scope and a soldier intercommunication device.

(d) LIMITATION REGARDING AMOUNT OF REIMBURSEMENT.—The amount of reimbursement provided under subsection (a) per item of protective, safety, and health equipment purchased by or on behalf of any given member of the Armed Forces may not exceed the lesser of—

(1) the cost of such equipment (including shipping cost); or

(2) $1,100.

(e) OWNERSHIP OF EQUIPMENT.—The Secretary shall identify the circumstances, if any, under which the United States shall assume title or ownership of protective, safety, or health equipment for which reimbursement is provided under subsection (a).

(f) FUNDING.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts for reimbursements under subsection (a) shall be derived from any amounts authorized to be appropriated by this Act.

(2) EXCEPTION.—Amounts authorized to be appropriated by this Act and available for the procurement of equipment for members of the Armed Forces deployed, or to be deployed, to Iraq or Afghanistan may not be utilized for reimbursements under subsection (a).

(g) REPEAL OF SUPERSEDED AUTHORITY.—Section 351 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118. Stat. 1857) is repealed.

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**SA 1971.** Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $4,000,000 may be used for the Energy Regeneration and Conversion Program for Naval UUV Propulsion.

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**SA 1972.** Mr. DODD (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $700,000 may be used for Medical Countermeasures to Nerve Agents.

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**SA 1973.** Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to retire any F–117A Nighthawk Stealth Fighter aircraft.

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**SA 1974.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $5,000,000 may be used for the National Shipbuilding Research Program.

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**SA 1975.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD'', up to $4,000,000 may be used for Enterprise Resource Planning for Army National Guard installations.

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**SA 1976.** Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $4,000,000 may be used for the development of light-weight rigid-rod polyphenylene ammunition.

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**SA 1977.** Mr. MCCAIN (for himself, Mr. GRAHAM, Mr. HAGEL, Mr. SMITH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. UNIFORM STANDARDS FOR THE INTERROGATION OF PERSONS UNDER THE DETENTION OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—No person in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility shall be subject to any treatment or technique of interrogation not authorized by and listed in the United States Army Field Manual on Intelligence Interrogation.

(b) APPLICABILITY.—Subsection (a) shall not apply to with respect to any person in the custody or under the effective control of the Department of Defense pursuant to a criminal law or immigration law of the United States.

(c) CONSTRUCTION.—Nothing in this section shall be construed to affect the rights under the United States Constitution of any person in the custody or under the physical jurisdiction of the United States.

**SEC. ____. PROHIBITION ON CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT OF PERSONS UNDER CUSTODY OR CONTROL OF THE UNITED STATES GOVERNMENT.**

(a) IN GENERAL.—No individual in the custody or under the physical control of the

United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment.

(b) CONSTRUCTION.—Nothing in this section shall be construed to impose any geographical limitation on the applicability of the prohibition against cruel, inhuman, or degrading treatment or punishment under this section.

(c) LIMITATION ON SUPERSEDURE.—The provisions of this section shall not be superseded, except by a provision of law enacted after the date of the enactment of this Act which specifically repeals, modifies, or supersedes the provisions of this section.

(d) CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT DEFINED.—In this section, the term ''cruel, inhuman, or degrading treatment or punishment'' means the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, as defined in the United States Reservations, Declarations and Understandings to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment done at New York, December 10, 1984.

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**SA 1978.** Mr. MCCAIN (for himself, Mr. BIDEN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available in this Act may be obligated or expended during fiscal year 2006 for paying salaries and expenses or other costs associated with reimbursing or otherwise financially compensating the Government of Uzbekistan for services rendered to the United States at Karshi-Khanabad airbase in Uzbekistan.

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**SA 1979.** Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, add the following:

SEC. 8116. Of the amount appropriated by title II under the heading ''ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES'', up to $600,000 may be made available for removal of unexploded ordnance at Camp Wheeler, Georgia.

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**SA 1980**. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $1,200,000 may be available for nonlinting silver antimicrobial wound dressing.

**SA 1981**. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $2,000,000 may be available for the establishment, in consultation with the Reach Out and Read National Center, of a pilot project on pediatric early literacy on military installations.

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**SA 1982**. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', up to $1,000,000 may be available for further development of the Multipurpose Utility Vehicle.

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**SA 1983**. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. None of the funds appropriated or otherwise made available by this Act may be made available to implement any consolidation of the Training Support System Contractor Support (CLS) Center, or to eliminate any related contractor positions, for the B-1 bomber air crew and maintenance trainer program unless—

(1) the Government Accountability Office performs a study to verify the projected cost savings of such actions; and

(2) not later than 90 days after the date of the enactment of this Act, the Government Accountability Office reports to Congress that such actions would result in savings and would not impact training efficiency.

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**SA 1984**. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ____. COOPERATIVE THREAT REDUCTION PROGRAMS.**

(a) COOPERATIVE THREAT REDUCTION PROGRAMS DEFINED.—In this section, the term ''Cooperative Threat Reduction programs'' means programs and activities specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) REPEAL OF RESTRICTIONS.—

(1) SOVIET NUCLEAR THREAT REDUCTION ACT OF 1991.—Section 211(b) of the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228; 22 U.S.C. 2551 note) is repealed.

(2) COOPERATIVE THREAT REDUCTION ACT OF 1993.—Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160; 22 U.S.C. 5952(d)) is repealed.

(3) RUSSIAN CHEMICAL WEAPONS DESTRUCTION FACILITIES.—Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 22 U.S.C. 5952 note) is repealed.

(c) INAPPLICABILITY OF OTHER RESTRICTIONS.—Section 502 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102–511; 106 Stat. 3338; 22 U.S.C. 5852) shall not apply to any Cooperative Threat Reduction program.

(d) MODIFICATIONS OF AUTHORITY TO USE COOPERATIVE THREAT REDUCTION PROGRAM FUNDS OUTSIDE THE FORMER SOVIET UNION.—Section 1308 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1662; 22 U.S.C. 5963) is amended—

(1) by striking ''President'' each place it appears and inserting ''Secretary of Defense'';

(2) in subsection (a)—

(A) by striking paragraph (2); and

(B) by striking ''each of the following'' and all that follows through the end and inserting the following: ''that such project or activity will—

''(1)(A) assist the United States in the resolution of a critical emerging proliferation threat; or

''(B) permit the United States to take advantage of opportunities to achieve longstanding nonproliferation goals; and

''(2) be completed in a short period of time.'';

(3) by striking subsections (c) and (d); and

(4) by redesignating subsection (e) as subsection (c).

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**SA 1985**. Mr. GRASSLEY (for himself, Mr. HARKIN, Mr. DURBIN, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'' is hereby increased by $1,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', as increased by subsection (a), up to $1,000,000 may be used for Combat Vehicle and Automotive Technology (PE#0602601A) for the Multipurpose Utility Vehicle.

(c) OFFSET.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'' is hereby reduced by $1,000,000, with the amount of the reduction to be allocated to amounts available for Industrial Mobilization Capacity/Unutilized Plant Capacity.

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**SA 1986.** Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him

to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116.(a) The amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'' is hereby increased by $3,000,000.

(b) Of the amount appropriated by this title under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'', as increased by subsection (a), $3,000,000 may be available for land attack technology for the Millennium Gun System.

(c) The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, NAVY RESERVE'' is hereby reduced by $3,000,000.

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**SA 1987.** Mr. VOINOVICH (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 8116.(a) ADDITIONAL AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY.—The amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' is hereby increased by $800,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'', as increased by subsection (a), up to $800,000 may be used for the Portable Battery Operated Solid-State Electrochemical Oxygen Generator.

(c) OFFSET.—The amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, NAVY RESERVE'' is hereby reduced by $800,000.

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**SA 1988.** Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' and available for advanced technology development, up to $5,000,000 may be available for Intelligent Agent Solutions for Situational Awareness.

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**SA 1989.** Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY'' and available for demonstration and validation, up to $10,000,000 may be available for the Plasma Energy Pyrolysis System (PEPS), Operational Gasification unit.

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**SA 1990.** Mr. ALLEN submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 220, after line 25, insert the following:

SEC. 8116. Of the amount appropriated by title II under the heading ''OPERATION AND MAINTENANCE, ARMY'' and available for administrative and servicewide activities, up to $4,000,000 may be available for the Science and Technology for Intelligence Community Predictive Modeling program.

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**SA 1991.** Mr. KENNEDY (for himself, Ms. COLLINS, Mrs. CLINTON, Mrs. DOLE, Ms. MIKULSKI, Ms. SNOWE, Mr. BINGAMAN, Mr. LIEBERMAN, Mr. REED, and Mr. SARBANES,) submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) ARMY PROGRAMS.—Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $10,000,000 may be used for Program Element 0601103A for University Research Initiatives.

(b) NAVY PROGRAMS.—Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $10,000,000 may be used for Program Element 0601103N for University Research Initiatives.

(c) AIR FORCE PROGRAMS.—Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $10,000,000 may be used for Program Element 0601103F for University Research Initiatives.

(d) DEFENSE-WIDE ACTIVITIES.—Of the amount appropriated by title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE''—

(A) up to $10,000,000 may be used for Program Element 0601120D8Z for the SMART National Defense Education Program; and

(B) up to $10,000,000 may be used for Program Element 0601101E for the Defense Advanced Research Projects Agency University Research Program in Computer Science and Cybersecurity.

(e) SENSE OF SENATE.—It is the sense of the Senate that it should be a goal of the Department of Defense to allocate to basic research programs each fiscal year an amount equal to 15 percent of the funds available to the Department of Defense for science and technology in such fiscal year.

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**SA 1992.** Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

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

(1) The Department of Defense Appropriations Act, 2004 (Public Law 108–87), the Department of Defense Appropriations Act, 2005 (Public Law 108–287), and the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13) each contain a sense of the Senate provision urging the President to provide in the annual budget requests of the President for a fiscal year under section 1105(a) of title 31, United States Code, an estimate of the cost of ongoing military operations in Iraq and Afghanistan in such fiscal year.

(2) The budget for fiscal year 2006 submitted to Congress by the President on February 7, 2005, requests no funds for fiscal year 2006 for ongoing military operations in Iraq or Afghanistan.

(3) According to the Congressional Research Service, there exists historical precedent for including the cost of ongoing military operations in the annual budget requests of the President following initial funding for such operations by emergency or supplemental appropriations Acts, including—

(A) funds for Operation Noble Eagle, beginning in the budget request of President George W. Bush for fiscal year 2005;

(B) funds for operations in Kosovo, beginning in the budget request of President George W. Bush for fiscal year 2001;

(C) funds for operations in Bosnia, beginning in budget request of President Clinton for fiscal year 1997;

(D) funds for operations in Southwest Asia, beginning in the budget request of President Clinton for fiscal year 1997;

(E) funds for operations in Vietnam, beginning in the budget request of President Johnson for fiscal year 1966; and

(F) funds for World War II, beginning in the budget request of President Roosevelt for fiscal year 1943.

(4) In section 1024(b) of Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (119 Stat. 252), the Senate requested that the President submit to Congress, not later than September 1, 2005, an amendment to the budget of the President for fiscal year 2006 setting forth detailed cost estimates for ongoing military operations overseas during such fiscal year.

(5) The President has yet to submit such an amendment.

(6) The Department of Defense Appropriations Act, 2006, as reported to the Senate by the Committion on Appropriations of the Senate on September 28, 2005, contains a bridge fund of $50,000,000,000 for overseas contingency operations, but the determination of that amount could not take into account any Administration estimate on the projected cost of such operations in fiscal year 2006.

(7) In February 2005, the Congressional Budget Office estimated that fiscal year 2006 cost of ongoing military operations in Iraq and Afghanistan could total $85,000,000,000.

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

(1) any request for funds for a fiscal year after fiscal year 2006 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) the amendment to the budget of the President for fiscal year 2006, requested by the Senate to be submitted to Congress not later than September 1, 2005, by section 1024(b) of Emergency Supplemental Appropriations Act for Defense, the Global War on

Terror, and Tsunami Relief, 2005, is necessary to describe the anticipated use of the $50,000,000,000 bridge fund appropriated in this Act and set forth all additional appropriations that will be required for the fiscal year; and

(3) any funds provided for a fiscal year for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

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**SA 1993.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) MONTHLY BRIEFINGS ON STRATEGY ON IRAQ.—The Department of Defense shall, in conjunction with analysts of the Central Intelligence Agency, provide the appropriate committees of Congress on a monthly basis a briefing on the strategy for success in Iraq recently announced by the Administration, 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, Appropriations, and Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, Appropriations, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

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**SA 1994.** Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1042, to authorize appropriations for fiscal year 2006 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, as added by Senate amendment No. ____, add the following:

**SEC. 1044. MONTHLY BRIEFINGS ON STRATEGY ON IRAQ.**

(a) MONTHLY BRIEFINGS ON STRATEGY ON IRAQ.—The Department of Defense shall, in conjunction with analysts of the Central Intelligence Agency, provide the appropriate committees of Congress on a monthly basis a briefing on the strategy for success in Iraq recently announced by the Administration, 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, Appropriations, and Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, Appropriations, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

## PRIVILEGE OF THE FLOOR

Mr. WARNER. Mr. President, I ask unanimous consent that Awilda Euill, a staff member in my office, be granted floor privileges for October 3, 2005.

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

Mr. INOUYE. Mr. President, I ask unanimous consent that a legislative fellow, Mike Powers, on the staff of Senator DAYTON, be granted the privilege of the floor during the consideration of the Defense appropriations bill.

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

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. WARNER). Without objection, the call of the quorum is rescinded.

## RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Without objection, the Senate stands in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:43 p.m., recessed subject to the call of the Chair and at 4:55 p.m. reassembled when called to order by the Presiding Officer (Mr. ALLEN).

## FILING OF AMENDMENTS TO H.R. 2863

Mr. FRIST. Mr. President, I ask unanimous consent all first-degree amendments to H.R. 2863, the Defense appropriations bill, be filed at the desk no later than 10:30 a.m. on Tuesday, October 4, and all first-degree amendments be subject to relevant second-degree amendments.

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

## COMMENDING DEPARTMENT OF VETERANS AFFAIRS

Mr. FRIST. I ask unanimous consent the Senate now proceed to consideration of S. Res. 263, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A bill (S. Res. 263) commending the efforts of the Department of Veterans Affairs in responding to Hurricane Katrina.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 263) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 263

Whereas Hurricane Katrina physically devastated many areas in the States of Alabama, Mississippi, and Louisiana;

Whereas the Department of Veterans Affairs operates 11 medical centers, 18 community-based outpatient clinics, 3 regional offices, and 8 national cemeteries in the States of Alabama, Mississippi, and Louisiana;

Whereas the Department of Veterans Affairs evacuated over 1,000 patients, employees, and their families from facilities in the affected areas without any loss of life due to the evacuations;

Whereas over 1,000 employees of the Department of Veterans Affairs are volunteering to assist veterans and their families affected by Hurricane Katrina throughout the United States;

Whereas the Department of Veterans Affairs is providing shelter to over 550 staff and their families who have been displaced as a result of Hurricane Katrina;

Whereas patients and employees of the Department of Veterans Affairs in Texas provided extraordinary support and medical assistance to veterans, staff, and families affected by Hurricane Katrina and coordinated numerous medical efforts as part of the overall Federal Government response and recovery efforts in the Gulf Region; and

Whereas heroic actions and efforts on the part of numerous employees and volunteers of the Department of Veterans Affairs saved countless lives and provided immeasurable comfort to the victims of Hurricane Katrina: Now, therefore, be it

*Resolved,* That the Senate commends the employees and volunteers of the Department of Veterans Affairs, who risked life and limb to assist veterans, staff, and their respective families who were affected by Hurricane Katrina.

## ORDERS FOR TUESDAY, OCTOBER 4, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, October 4. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democrat leader or his designee, and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate then resume consideration of H.R. 2863, the Defense appropriations bill.

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

## PROGRAM

Mr. FRIST. Mr. President, tomorrow we will return to the Defense appropriations bill. Moments ago, we locked in the filing deadline for amendments. That will give the two managers a better idea of what to expect on the bill. We are not encouraging Members to file amendments, but Members will

have until 10:30 tomorrow morning to file their first degrees. Senators are reminded we will have stacked votes later in the day on Wednesday, and we will remain in session this week until we complete the bill. We have other work to complete this week, including the pensions legislation, so I ask for everyone's cooperation in advance as we move forward on these two items.

## NOMINATION PROCESS

Mr. FRIST. Earlier today, or earlier this afternoon, I remarked that this is a momentous day in our Nation's history. For the first time in two decades, a new Chief Justice ascends to the bench of the highest Court of the land. Judge Roberts is leading the Supreme Court as the 17th Chief Justice of the United States today.

Today marks the nomination of Harriet Miers as an Associate Justice for the Supreme Court, and we had yet another opportunity to shape the course of our history. She will be a great addition to the Supreme Court. She does have extensive legal experience, both in the private sector as well as counsel for the President. She understands judicial restraint. She understands that limited role of the judge to interpret the law and not to legislate from the bench.

We are ready to begin this nomination process. Officially, it has now begun with her nomination. We will have a civil process, a dignified process that ultimately will lead to a confirmation of Ms. Miers before Thanksgiving.

## ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:58 p.m., adjourned until Tuesday, October 4, 2005, at 9:45 a.m.

# EXTENSIONS OF REMARKS

## A PROCLAMATION RECOGNIZING FRANK A. FREGIATO

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. NEY. Mr. Speaker:

Whereas, Frank A. Fregiato is a dedicated citizen worthy of merit and recognition; and

Whereas, Frank A. Fregiato was recently presented with the Law Enforcement Commendation Medal; and

Whereas, Frank A. Fregiato should be commended for his excellence and devotion in the field of law enforcement and for establishing the Live Courts to Our High Schools program.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Frank A. Fregiato for his outstanding accomplishment.

## THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

SPEECH OF

### HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 29, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes:

Mr. POMBO. Mr. Chairman, Section 12(g) of H.R. 3824 clarifies that the operator of a water storage reservoir, water diversion structure, canal or other artificial water delivery facility is not liable for ''take'' of listed aquatic species that is attributable to recreational sportfishing programs managed by a State agency. Over the past several decades, the stocking of sport fish by State agencies has contributed to the decline in populations of native fish. Sport fish frequendy prey upon native fish and compete with native fish for food, breeding habitat and other essential resources. Nevertheless, State operated programs to stock these fish in river systems continue. Likewise, there are continuing adverse effects to native fish resulting from earlier State operated programs which introduced sport fish into the streams. In recent years, some federal agencies have attempted to impose the responsibility for ''take'' of listed native fish resulting from the presence of sport fish in the streams on operators of water storage reservoirs, canals, water diversion structures and other artificial water delivery facilities in the river basin. These operators have been faced with demands that they take on the financial burden of ''mitigating'' for the loss of native listed fish, even though this loss is attributable to the introduction of sport fish under programs managed by State agencies. Section 12(g) makes clear that the operators of water storage reservoirs, water diversion structures, canals and other artificial water delivery facilities are not liable for take of listed native fish under these circumstances, and are not responsible for implementing or financing mitigation measures to offset this take.

## HONORING THE PERFORMING RIGHTS ORGANIZATION SESAC ON ITS 75TH ANNIVERSARY

### HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. COOPER. Mr. Speaker, I rise today to commend the perfomling rights organization SESAC for 75 years of service to the creative forces in music. We in Music City U.S.A. are grateful to SESAC for its continuing work on behalf of the songwriters and publishers who make music happen.

SESAC, which is based in my district in Nashville, has been a valuable force in protecting the rights of songwriters and publishers by defending copyrights against infringement and ensuring that artists receive the royalties they are due. Over the years, the many distinguished artists that have relied on SESAC to protect their artistic creations have included such singer-songwriter legends as Robert Johnson, Bob Dylan and Neil Diamond, Tennessee artists Arlos Smith, Sam and Annie Tate, and Jo Nichols, jazz luminaries Cassandra Wilson and Steve Coleman, R&B/Hip-Hop songwriters Bryan-Michael Cox, Swizz Beatz, and Teddy Riley. SESAC's musical library also includes such classics as Sweet Caroline, I'll Fly Away, and Forever Young, and renowned musicians such as Garth Brooks, U2, LeAnn Rimes, and Luciano Pavarotti, perform songs written by SESAC artists all over the world.

In addition to its representation of songwriters and publishers, SESAC should also be commended for its work to foster public awareness on the importance of copyright protection and the damage done by piracy. As part of the Music United Coalition, SESAC took an active role in the debate surrounding the legality of file-sharing, which was the subject of a recent Supreme Court case. This year, SESAC also sponsored the first Recording Arts Day in Washington, which gave lawmakers an opportunity to leam about the many complex and controversial issues surrounding the music business.

On behalf of my constituents in the Fifth District of Tennessee, I commend SESAC for its years of service and advocacy on behalf of the Nation's songwriters and music publishers, and wish the organization a happy 75th anniversary.

## THREATENED AND ENDANGERED SPECIES RECOVERY ACT OF 2005

SPEECH OF

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 29, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 3824) to amend and reauthorize the Endangered Species Act of 1973 to provide greater results conserving and recovering listed species, and for other purposes:

Mr. UDALL of Colorado. Mr. Chairman, I rise in strong support of this bipartisan substitute.

I am a supporter of the Endangered Species Act, but I have never rejected the idea of changing it. On the contrary, I have repeatedly said that I thought it would be possible to improve the way it was implemented.

So, I regret that I was unable to support H.R. 3824 as ordered reported by the Resources Committee.

I support much of the thrust of the original bill. I support putting more emphasis on recovery plans and on steps to provide incentives for landowners and other private parties to help with recovering species.

And the Resources Committee did make improvements in the original bill.

For example, the committee approved my amendment to retain protections for species listed as ''threatened'' and an amendment I offered with the gentleman from New Mexico, Mr. PEARCE, to authorize the U.S. Fish and Wildlife Service to compensate ranchers for livestock lost to an endangered predator that has been reintroduced into the wild.

Unfortunately, though, other needed amendments were not approved—and as a result I concluded that the bill's defects were still so numerous and so serious that it should not be approved without further changes.

Now, with this substitute, we can keep the best parts of the bill as reported—including the authorization for reimbursement for livestock losses—and make the further improvements that will make it into one that deserves approval by the full House of Representatives.

Like the bill as reported, the substitute, with identical language, will eliminate the critical-habitat provisions of current law that have done relatively little to protect species and so much to foster lawsuits ,and red tape.

And the substitute includes the same language as the bill as reported to codify and expand on regulations ensuring that land owners who enter into conservation agreements with the Fish and Wildlife Service won't be required to do more if circumstances beyond their control change.

But the substitute goes further than the bill as reported by requiring the government first to do as much as possible on public lands to conserve species before it acts to put that burden on private land owners. This is a very important provision that will directly benefit landowners, especially in Colorado and other

States where there are extensive Federal lands.

Also, like the bill as reported the substitute includes provisions to create a new, voluntary program of incentives to landowners who implement conservation practices on their lands. Ranchers and farmers in Colorado and across the west understand the importance of protecting threatened and endangered species, and want to do what they can to help, and I strongly support providing these incentives.

But here again the substitute is better—because while both the bill as reported and the substitute include provisions for giving landowners technical assistance, only the bipartisan Substitute allows the Interior Department to give priority to smaller land owners who cannot afford expensive consultants.

Just as important, the substitute not only improves on good features of the bill as reported, it also corrects its worst flaws.

The bill as reported would weaken the protection of threatened and endangered species by making recovery plans unenforceable, by limiting the role of science, and in other ways as well. The substitute is better on these points.

In addition the substitute does not include the reported bill's language to change the current law regulating the use of pesticides. That law may need some revisions, but if so they should be made after thorough consideration and careful deliberation, rather than through a last-minute amendment in the Resources Committee, which is how this was added to the bill.

Proponents of the reported bill say the Endangered Species Act has led to too many lawsuits. But according to the Bush Administration's analysis of the bill as reported, "the new definition of jeopardy in the bill, as well as various statutory deadlines, may generate new litigation and further divert agency resources from conservation purposes." The substitute does not have the same problems.

And, finally, the substitute does not include the reported bill's vague provisions that would set up a new entitlement program—a program without clear boundaries that would increase Federal spending to an extent that cannot be easily calculated.

Those provisions worry the Bush Administration, which has told us that they "provide little discretion to Federal agencies and could result in a significant budgetary impact."

And after reviewing the bill as reported, the nonpartisan budget watchdog group Taxpayers for Common Sense concluded that "This legislation is rife with loopholes and vague wording that have the potential to cost taxpayers billions of dollars, and must be revised." I completely agree and I support the bipartisan substitute because it makes the revisions necessary to close those loopholes. For the benefit of our colleagues, I attach the full text of the letter from Taxpayers for Common Sense.

I urge the adoption of the substitute.

TAXPAYERS FOR
COMMON SENSE ACTION,
*Washington, DC, September 28, 2005.*

DEAR REPRESENTATIVE: Taxpayers for Common Sense (TCS), a non-partisan budget watchdog, has grave concerns regarding H.R. 3842, the Threatened and Endangered Species Recovery Act of 2005. As reported by the House, this bill would establish a new entitlement program that will not only burden taxpayers but require the creation of an unnecessary and complex Federal spending program.

TCS believes that, as written, the true fiscal impacts of this bill are impossible to calculate, but are likely to be large. H.R. 3824 establishes a policy whereby landowners could file takings claims against the government for relatively unspecific future development plans. The bill's vague language is also likely to encourage serial filers, as there is nothing to prevent landowners from collecting multiple times on the same piece of land property. Additionally, H.R. 3824 would require Federal taxpayers to pay even if the law affects only a small portion of a landowner's property and has little or no impact on the overall value of the remainder of that property. In fact, this legislation, as written, would almost always result in mandated payouts of taxpayer dollars, even if the value of the property had risen. In addition, the threshold for filing a claim and proving a taking under these new regulations would be extremely low, resulting in not only a near guaranteed payout from taxpayers to landowners, but also a likely flood of applications to take advantage of the windfall.

As we have seen countless times in the past, a loophole will always be exploited, and an enormous loophole will be exploited enormously. This legislation is rife with loopholes and vague wording that have the potential to cost taxpayers billions of dollars, and must be revised.

Sincerely,

STEVE ELLIS,
*Vice President for Programs.*

## A PROCLAMATION CONGRATULATING GREG PETERSON

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. NEY. Mr. Speaker:

Whereas, Greg Peterson is an exceptional individual worthy of merit and recognition; and

Whereas, Greg Peterson served in the Franklin County Prosecuter's Office for twelve years; and

Whereas, Greg Peterson served as the director of the gang unit at the Franklin County Prosecuter's Office for the past three years and won an extraordinary number of cases; and

Whereas Greg Peterson will be sworn in as Judge at the Franklin County Court of Common Pleas on October 7, 2005, and should be commended for his excellence, for his leadership and integrity, and for his ongoing efforts to affect other people's lives in a positive and in a changing way.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in honoring and congratulating Greg Peterson for his outstanding accomplishments.

## DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 THROUGH 2009

SPEECH OF

### HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 28, 2005*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3402) to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

Mrs. KELLY. Mr. Chairman, prior to my election to Congress, I was a patient advocate and rape crisis counselor in New York's hospitals. I saw first-hand the debilitating effects domestic violence, dating violence, and sexual assault can have on a woman. It was there, as I counseled thousands of victims of rape and assault, that I recognized that more resources need to be provided to prevent these types of attacks, to assist victims in receiving justice, and to help these women put their shattered lives back together. That is why I feel so strongly about the Violence Against Women Act.

VAWA literally transformed the way our society deals with these types of attacks. Over the past ten years, it has provided vital resources and protections for victims. It has provided increased training for police, prosecutors, and court officials, and overhauled how the criminal justice system responds to victims of violence.

I ask all of my colleagues to support H.R. 3402, which reauthorizes the Violence Against Women Act, because it works. It is an effective tool in reducing the number of women living with violence.

H.R. 3402 develops new programs that meet the needs of battered women and creates a comprehensive approach to ending domestic violence, dating violence, sexual assault, and stalking.

Congress must reauthorize these historic women protections, and I ask that all of my colleagues support it later today.

## THE RYAN WHITE CARE ACT

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. TOWNS. Mr. Speaker, the Ryan White Care Act has played a significant role in the decline of HIV/AIDS cases and deaths. The care act is of utmost importance to the poor and uninsured because it is the primary means by which many receive health services.

Congress must act swiftly to reauthorize and strengthen the care act and I implore Congress to do so on behalf of persons living with HIV/AIDS in our Nation, the State of New York and the 10th Congressional District of Brooklyn in particular.

New York City remains the epicenter of the HIV/AIDS epidemic nationally. According to the HIV Health and Human Services Planning Council of New York, an estimated 92,000 New Yorkers are known to be living with HIV

or AIDS and approximately 25,000 individuals are living with HIV but are not diagnosed.

While the reauthorization principles released by the Administration are a start, more must be done to ensure that health care and treatment is provided for New Yorkers and all people in need.

In urban, rural, and suburban communities in every State and territory, the Ryan White Care Act delivers medical care, prescription drugs, and key support services to uninsured and underinsured people living with HIV/AIDS. Still, there are far too many people without access to quality HIV/AIDS care because of limited resources.

Today, I strongly urge Congress to work together to reauthorize and adequately fund the Ryan Care Act in a timely manner, with the goal of improving the lives of all people living with HIV/AIDS.

## SUSTAINABLE ENERGY ON DISPLAY

### HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. SANDERS. Mr. Speaker, I wish to commend the Northeast Sustainable Energy Association for its efforts this past weekend in its 2005 Green Buildings Open House. The Open House consisted of tours of ''green'' energy facilities in homes and businesses, in all the New England States, as well as in Delaware, New Jersey, New York and Pennsylvania.

In Vermont, there were tours in Burlington, Cavendish, Hartland, Montpelier, Strafford and White River Junction, as well as in Northern, Central and Southern Vermont. The tours included a great variety of sites, including homes, businesses and schools. Alternative energy sources included solar (active and passive), wind, micro-hydro, as well as alternate construction methods and alternative fuel vehicles.

We are overly dependent on fossil fuels. Not only does dependence pose environmental problems ranging from air pollution to acid rain to global warming, it also puts our national security at risk, requiring foreign policies driven more by the needs of oil companies than by the interests of American families and small businesses.

But there are ways to conserve our environment and reduce our dependence on fossil fuels. We can better insulate our homes. The dollars invested in energy conservation pay off over and over again, in reduced energy consumption and reduced costs for heating and cooling. We can find and develop clean and renewable sources of energy like solar, wind, water and geothermal. They are domestically produced, infinitely renewable, and non-polluting. And we can learn to use more energy-efficient appliances in our homes and offices.

Developing sources of alternative energy and conserving the energy we currently use are smart policies, not only because fossil fuel is encumbered with many problems, but because long-term conservation and alternative energy are more efficient. And moving along those lines creates jobs, jobs here at home, good paying jobs.

So I extend my congratulations to the Northeast Sustainable Energy Association and the many homeowners and building owners, as well as the guides for these tours, who worked to show us all how much can be accomplished if we have a vision of a better and more energy-sustainable future.

## A PROCLAMATION HONORING THE JACKSON–VINTON COMMUNITY ACTION

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. NEY. Mr. Speaker:

Whereas, the Jackson-Vinton Community Action has dutifully served the citizens of Jackson and Vinton counties for 40 years; and

Whereas, the Jackson-Vinton Community Action gives hope and aid to the Southeastern Ohio Appalachian Region; and

Whereas, the Jackson-Vinton Community Action has consistently provided health, housing, and economic assistance to the people of their community.

Therefore, I join with entire 18th Congressional District of Ohio in congratulating the Jackson-Vinton Community Action on their 40th anniversary.

## TRIBUTE TO JUDGE MYRON THOMPSON

### HON. ARTUR DAVIS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. DAVIS of Alabama. Mr. Speaker, because of my tremendous personal admiration and professional respect, I am particularly honored to rise today to introduce a resolution that gives tribute to Judge Myron Thompson's 25-year legacy of upholding the Constitution in the U.S. District Court for the Middle District of Alabama—considered one of the most important courts of the American civil rights movement. Judge Thompson's tenure on the bench reflects years of honest, diligent, and fair jurisprudence. This resolution documents Judge Thompson's distinguished service to the federal judiciary, the people of Alabama, and to the United States. I am pleased to ask the House to express its gratitude to U.S. District Judge Myron Thompson.

Judge Thompson was appointed to the Federal bench by President Jimmy Carter in 1980 after an already distinguished legal career. A product of Alabama's segregated public schools, he attended Yale University and proceeded directly to Yale Law School, after which, he returned to Alabama to work for the state Attorney General's Office. Judge Thompson went on to private practice, as the only African-American practitioner in Dothan, AL, his mother's hometown. He later became the founding director and Board Chair of the Legal Services Corporation of Alabama.

Once appointed to the Court, Judge Thompson inherited some of the most significant cases in the Middle District. He addressed the needs of mentally-ill residents in the Wyatt case, upholding principles of humane treatment that have become part of the fabric of American law. He addressed the needs of workers, presiding over numerous employment discrimination cases involving, at times, the claims of hundreds, if not thousands, of employees. Judge Thompson's rulings in voting rights cases broadened the civic participation of Alabama's traditionally disenfranchised. In the Dillard case, Judge Thompson found the Alabama legislature culpable of racial discrimination in fashioning and authorizing at-large election schemes for local jurisdictions. As a result of Dillard, there have been African-American city council members, county commission members, and school board members elected in places where previously there had never been an African-American elected to public office. Judge Thompson upheld the Constitution's promise to insulate every citizen from inhumane conditions while in government custody by finding the conditions at the Julia Tutwiler Prison for Women unconstitutional and pervasively unsafe. These are just some of Judge Thompson's more significant cases.

Judge Thompson's judicial career has thrust him to the forefront of many of the most pressing social and political controversies of the day. His compassion for the marginalized, love of learning, and knowledge of the law are reflected in his courage, insight, and sound judgment. We are fortunate to have Judge Thompson on the federal bench, and America has been a direct beneficiary of his extraordinary service. I ask the House to join me in endorsing this resolution of appreciation and commendation for the service of District Judge Myron Thompson.

## PACTOLA RESERVOIR REALLOCATION AUTHORIZATION ACT OF 2005

### HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Ms. HERSETH. Mr. Speaker, I rise today to introduce the ''Pactola Reservoir Reallocation Authorization Act of 2005,'' a bill to authorize the Secretary of the Interior to reallocate the costs of the Pactola Dam and Reservoir in western South Dakota, in accordance with an agreement that has been reached by the affected parties that rely on that water.

The population in and around Rapid City, South Dakota, has experienced welcome growth in the past several years. As a result, the city is experiencing an increasing demand for municipal water. The city relies upon the Pactola Reservoir, constructed by the Bureau of Reclamation (BOR) in the central Black Hills mountain range approximately 10 miles west of town, for much of its municipal water.

Another group, the Rapid Valley Water Conservancy District (RVWCD), also relies on this reservoir as a source of water for agricultural irrigation. As Rapid City's needs for water has increased, the RVWCD's demands has gone down.

The two entities and the BOR have renegotiated their water service contract and have agreed to reallocate the costs of the Pactola Dam to better reflect the City's growing need for municipal water supply and RVWCD's decreasing need for irrigation.

The BOR is responsible for the operation and maintenance of the Pactola Dam and Reservoir, part of the Rapid Valley Unit under

the Pick-Sloan Missouri Basin Program (Flood Control Act of 1944, PL 78–534). In 1992, discussions were initiated to renegotiate water supply contracts with Rapid City and the Rapid Valley Conservancy District to meet municipal, industrial, irrigation, recreation, and wildlife needs. An agreement between both parties and the BOR was reached in December 2000. This legislation would reallocate the benefits and costs of Pactola Dam and Reservoir in accordance with that agreement and it must be enacted before the contract can take effect.

My colleague in the Senate, Senator TIM JOHNSON, worked to get the Pactola Reservoir Reallocation Authorization Act through that chamber last week, and I urge my colleagues in the House of Representatives to support this important legislation.

## NATIONAL SPINA BIFIDA AWARENESS MONTH

### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to remind my colleagues that October is National Spina Bifida Awareness Month and to pay tribute to the more than 250,000 Americans in the Spina Bifida Community, including family members and caregivers. There are an estimated 70,000 people in the United States who are currently living with Spina Bifida, the most common permanently disabling birth defect.

I am proud to be the Co-Chairman, along with Representative BART STUPAK, of the Congressional Spina Bifida Caucus and encourage all of my colleagues to join the caucus. Together we can help to improve the quality of life of those living with Spina Bifida and their families.

The Spina Bifida Association of America (SBAA) is the organization that has helped those living with and affected by this debilitating disease for over 30 years. The SBAA was founded in 1973 and is the nation's only organization solely dedicated to advocating on behalf of the Spina Bifida community. Through their almost 60 chapters in more than 125 communities, the SBAA brings expectant parents together with those who have a child who suffers from this disease. This interaction helps to answer questions and concerns, but most importantly it lends much needed support. The good news is that due to breakthroughs in research and improvements in health care and treatment, children with Spina Bifida are now living to become adults with Spina Bifida.

Together the SBAA and the SBA of the Tri-State Region work tirelessly to help the families of those living with Spina Bifida meet the challenges and enjoy the rewards of raising their children to adulthood. I would like to commend the local chapter of SBAA in my State of New Jersey for all they have done and all that they will continue to do. As we recently were reminded, in the wake of a natural disaster, people with disabilities are the most vulnerable. The SBAA chapter in my State of New Jersey is a partner in the SB Hurricane Emergency Lifesupport Program, which was established to help get vitally needed supplies to the estimated 10,000 people with Spina Bifida and their families who were victims of the hurricanes in the Gulf Region.

Spina Bifida is a neural tube defect that happens in the first month of pregnancy when the spinal column doesn't close completely. Spina Bifida is a birth defect that can happen to anyone. There are 60 million women at risk of having a baby born with Spina Bifida. Everyday, an average of 8 babies are affected by Spina Bifida or a similar birth defect of the brain and spine. Each year, about 3,000 pregnancies are affected by these birth defects. While we do not know the exact cause of Spina Bifida, research has shown that if a woman takes 400 micrograms of folic acid every day and before she becomes pregnant, she reduces her risk of having a baby with Spina Bifida or another neural tube defect by as much as 70 percent. The cause of the remaining cases is unknown, but it is believed genetics and environment may play a role.

Today, approximately 90 percent of all babies diagnosed with Spina Bifida live into adulthood, approximately 80 percent have normal IQ's, and approximately 75 percent participate in sports and other recreational activities. With proper medical attention and family care these people can live productive full lives with the assistance of braces and/or a wheelchair. There are breakthroughs every year that benefit the quality of life for those living with Spina Bifida. Research is the key to a better life for those who live with Spina Bifida. Our goals are to develop better treatments, better understanding of causes and new ways to prevent Spina Bifida.

The SBAA has many special events throughout the year to engender greater support for the Spina Bifida community. I congratulate them on occasion of their 17th annual Washington event for the media that is taking place this week. I again wish to thank the SBAA and its chapters for all of their hard work to prevent and reduce suffering for those 70,000 individuals living with Spina Bifida throughout the nation. We all owe a great debt to the SBAA for what they have done.

## A PROCLAMATION CONGRATULATING VINTON COUNTY LOCAL SCHOOL DISTRICT ON ITS NEW MIDDLE SCHOOL

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, October 3, 2005*

Mr. NEY. Mr. Speaker:

Whereas, the Vinton Local School District is at the forefront for excellence in education in Ohio's 18th District; and

Whereas, the Vinton Local School District is dedicated to ensuring all of its students reach their full potential as both students and young adults; and

Whereas, the Vinton Local School District educators are committed to life long learning in order to provide the best possible experience for the students.

Therefore, I join with the Vinton County Local School District and the 18th Congressional District of Ohio in congratulating the school district on the construction of its new middle school.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 4, 2005 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### OCTOBER 5

10:30 a.m.

Aging

To hold hearings to examine preparing for and meeting the needs of older Americans during a disaster.

SH–216

2:15 p.m.

Foreign Relations

Business meeting to consider the nominations of Robert A. Mosbacher, of Texas, to be President of the Overseas Private Investment Corporation, Jan E. Boyer, of Texas, to be United States Alternate Executive Director of the Inter-American Development Bank, C. Boyden Gray, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador, Francis Rooney, of Florida, to be Ambassador to the Holy See, Alfred Hoffman, of Florida, to be Ambassador to the Republic of Portugal, Thomas A. Shannon, Jr., of Virginia, to be an Assistant Secretary of State for Western Hemisphere Affairs, Charles A. Ford, of Virginia, to be Ambassador to the Republic of Honduras, Mark Langdale, of Texas, to be Ambassador to the Republic of Costa Rica, Brenda LaGrange Johnson, of New York, to be Ambassador to Jamaica, Alexander R. Vershbow, of the District of Columbia, to be Ambassador to the Republic of Korea, Patricia Louise Herbold, of Washington, to be Ambassador to the Republic of Singapore, William Paul McCormick, of Oregon, to be Ambassador to New Zealand, and serve concurrently and without additional compensation as Ambassador to Samoa, John J. Danilovich, of California, to be Chief Executive Officer, Millennium Challenge Corporation, John Hillen, of Virginia, to be Assistant Secretary of State for Political-Military Affairs, Barry F. Lowenkron, of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor, Kent R. Hill, of Virginia, to be Assistant Administrator of the United States Agency for International Development, Jacqueline Ellen Schafer, of the District of Columbia, to be Assistant Administrator of the United States Agency for International Development, Josette Sheeran Shiner, of Virginia, to be United States Alternate Governor of the International Bank for Reconstruction and Development for a term of five years; United States Alternate Governor of the Inter-American Development Bank for a term of five years; United States Alternate Governor of the African Development Bank for a term of five years; United States Alternate Governor of the African Development Fund; United States Alternate Governor of the Asian Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development, and Jendayi Elizabeth Frazer, Assistant Secretary of State for African Affairs, to be a Member of the Board of Directors of the African Development Foundation.

S–116, Capitol

2:30 p.m.

Environment and Public Works

To hold hearings to examine the status of efforts to reduce greenhouse gases relating to the Kyoto Protocol.

SD–406

Commerce, Science, and Transportation

Trade, Tourism, and Economic Development Subcommittee

To hold hearings to examine spyware.

SD–562

Intelligence

To receive a closed briefing regarding certain intelligence matters.

SH–219

### OCTOBER 6

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Michael W. Wynne, of Florida, to be Secretary of the Air Force, and Donald C. Winter, of Virginia, to be Secretary of the Navy.

SD–106

Environment and Public Works

Business meeting to consider the nominations of Santanu K. Baruah, of Oregon, to be Assistant Secretary of Commerce for Economic Development, George M. Gray, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency, Lyons Gray, of North Carolina, to be Chief Financial Officer, Environmental Protection Agency, H. Dale Hall, of New Mexico, to be Director of the United States Fish and Wildlife Service, and Edward McGaffigan, Jr., of Virginia, to be a Member of the Nuclear Regulatory Commission.

SD–406

Foreign Relations

To hold hearings to examine the nominations of Jennifer L. Dorn, of Nebraska, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development, and Donald A. Gambatesa, of Virginia, to be Inspector General, United States Agency for International Development.

SD–419

Judiciary

Business meeting to consider pending calendar business.

SD–226

9:35 a.m.

Environment and Public Works

To hold hearings to examine actions of the Environmental Protection Agency, the Army Corps of Engineers and the Federal Highway Administration relating to Hurricane Katrina.

SD–406

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the implementation of the Exon-Florio provision by the Committee on Foreign Investment in the United States (CFIUS), Department of the Treasury, which seeks to serve U.S. investment policy through reviews that protect national security while maintaining the credibility of open investment policy.

SD–538

Appropriations

District of Columbia Subcommittee

To hold hearings to examine the potential for Marriage Development Accounts in the District of Columbia.

SD–138

Energy and Natural Resources

To hold hearings to examine Hurricanes Katrina and Rita's effects on energy infrastructure and that status of recovery efforts in the Gulf Coast region.

SD–366

Finance

To hold hearings to examine the future of the Gulf Coast, focusing on the use of tax policy to help rebuild businesses and communities and support families after disasters.

SD–215

Homeland Security and Governmental Affairs

To hold hearings to examine Federal Emergency Management Agency (FEMA) status report on recovery efforts in the Gulf States.

SD–342

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold hearings to examine how the Federal government lease needed space.

SD–562

Foreign Relations

To hold hearings to examine the nominations of David B. Dunn, of California, to be Ambassador to the Togolese Republic, and Carmen Maria Martinez, of Florida, to be Ambassador to the Republic of Zambia, and Michael R. Arietti, of Connecticut, to be Ambassador to the Republic of Rwanda.

SD–419

Judiciary

To hold hearings to examine pending judicial nominations.

SD–226

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine improving Department of Defense logistics, focusing on a piece of the Department's business transformation efforts, supply chain management.

SD–342

Finance

International Trade Subcommittee

To hold hearings to examine the U.S.-Bahrain Free Trade Agreement.

SD–215

Intelligence

To receive a closed briefing regarding certain intelligence matters.

SH–219

3 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1025, to amend the Act entitled ''An Act to provide for the construction of the Cheney

division, Wichita Federal reclamation project, Kansas'' to authorize the Equus Beds Division of the Wichita Project, S. 1498, to direct the Secretary of the Interior to convey certain water distribution facilities to the Northern Colorado Water Conservancy District, S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona, S. 1578, to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs, and S. 1760, to authorize early repayment of obligations to the Bureau of Reclamation within Rogue River Valley Irrigation District or within Medford Irrigation District.

SD–366

OCTOBER 7

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for September.

1334 LHOB

OCTOBER 18

9:50 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider pending calendar business.

SD–430

OCTOBER 19

9:30 a.m.

Indian Affairs

Business meeting to consider S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act.

SR–485

10 a.m.

Health, Education, Labor, and Pensions

Bioterrorism and Public Health Preparedness Subcommittee

To hold hearings to examine biosurveillance.

SD–430

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

2 p.m.

Health, Education, Labor, and Pensions

Employment and Workplace Safety Subcommittee

To hold hearings to examine national guard and employers.

SD–430

OCTOBER 20

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine Federal employment programs for persons with disabilities.

SD–430

Indian Affairs

To hold hearings to examine Indian water rights settlement policy effects on the Duck Valley Reservation proposed settlement agreement.

SR–485

10:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine USDA Farm Service Agency Office consolidation plan known as FSA Tomorrow.

SR–328A

OCTOBER 26

9:30 a.m.

Indian Affairs

To hold an oversight hearing to examine In Re Tribal Lobbying Matters, Et Al.

Room to be announced

# *Daily Digest*

## HIGHLIGHTS

See Résumé of Congressional Activity.

# Senate

## *Chamber Action*

***Routine Proceedings, pages S10813–S10912***

**Measures Introduced:** Six bills and one resolution were introduced, as followed: S. 1809–1814, and S. Res. 263. **Page S10823**

**Measures Passed:**

*Commending Department of Veterans Affairs:* Senate agreed to S. Res. 263, commending the efforts of the Department of Veterans Affairs in responding to Hurricane Katrina. **Page S10911**

**Department of Defense Appropriations:** Senate resumed consideration of H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006. **Pages S10814–18**

A unanimous-consent agreement was reached providing that all first-degree amendments to the bill be filed at the desk no later than 10:30 a.m., on Tuesday, October 4, 2005, and that all first degree amendments be subject to relevant second-degree amendments. **Page S10911**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:45 a.m. on Tuesday, October 4, 2005. **Page S10911**

**Messages From the House:** **Page S10821**

**Executive Communications:** **Pages S10821–23**

**Additional Cosponsors:** **Pages S10823–24**

**Statements on Introduced Bills/Resolutions:** **Pages S10824–27**

**Additional Statements:** **Pages S10820–21**

**Amendments Submitted:** **Pages S10827–S10911**

**Privilege of the Floor:** **Page S10911**

**Adjournment:** Senate convened at 3 p.m., and adjourned at 4:58 p.m., until 9:45 a.m., on Tuesday, October 4, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S10911–12.)

## *Committee Meetings*

No committee meetings were held.

# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 1 public bill, H.R. 3967; and 2 resolutions, H. Con. Res. 258; and H. Res. 478, were introduced. **Page H8648**

**Additional Cosponsors:** **Page H8648**

**Reports Filed:** Reports were filed as follows:

H.R. 1065, to establish the United States Boxing Commission to protect the general welfare of boxers and to ensure fairness in the sport of professional boxing, with an amendment (H. Rept. 109–209, Pt. 2) (Filed on September 30, 2005). **Page H8648**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Davis of Virginia to act as Speaker pro tempore for today. **Page H8645**

**United States Holocaust Memorial Council:** The Chair announced the Speaker's appointment of Representatives LaTourette, Cannon and Cantor to the United States Holocaust Memorial Council. **Page H8645**

**President's Export Council:** The Chair announced the Speaker's appointment of Representatives English, Pickering, and Hayes to the President's Export Council. **Page H8646**

**Message from the Clerk:** Read a letter from the Clerk wherein he notified the House that he received messages from the Senate on Friday, September 30, 2005. **Page H8645**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Davis of Virginia to act as Speaker pro tempore to sign enrolled bills and joint resolutions on this day. **Page H8645**

**Quorum Calls—Votes:** There were no yea-and-nay votes, and there were no recorded votes. There were no quorum calls.

**Adjournment:** The House met at 4 p.m. and adjourned at 4:05 p.m.

## Committee Meetings

No committee meetings were held.

### NEW PUBLIC LAWS

*(For last listing of Public Laws, see* DAILY DIGEST, *p. D999–D1000)*

H.J. Res. 68, making continuing appropriations for the fiscal year 2006. Signed on September 30, 2005. (Public Law 109–77)

### COMMITTEE MEETINGS FOR TUESDAY, OCTOBER 4, 2005

**Senate**

No meetings/hearings scheduled.

**House**

No committee meetings are scheduled.

# Résumé of Congressional Activity

## FIRST SESSION OF THE ONE HUNDRED NINTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

## DATA ON LEGISLATIVE ACTIVITY

January 4 through September 30, 2005

| | *Senate* | *House* | *Total* |
|---|---|---|---|
| Days in session | 119 | 103 | .. |
| Time in session | 901 hrs., 59′ | 766 hrs., 51′ | .. |
| Congressional Record: | | | |
| Pages of proceedings | 10,811 | 8,644 | .. |
| Extensions of Remarks | .. | 2,002 | .. |
| Public bills enacted into law | 19 | 58 | 77 |
| Private bills enacted into law | .. | .. | .. |
| Bills in conference | 6 | 7 | .. |
| Measures passed, total | 401 | 465 | 866 |
| Senate bills | 110 | 20 | .. |
| House bills | 68 | 179 | .. |
| Senate joint resolutions | 2 | 1 | .. |
| House joint resolutions | 4 | 9 | .. |
| Senate concurrent resolutions | 16 | 9 | .. |
| House concurrent resolutions | 27 | 63 | .. |
| Simple resolutions | 174 | 184 | .. |
| Measures reported, total | *181 | *230 | 411 |
| Senate bills | 144 | 2 | .. |
| House bills | 15 | 126 | .. |
| Senate joint resolutions | 2 | .. | .. |
| House joint resolutions | .. | 3 | .. |
| Senate concurrent resolutions | 1 | .. | .. |
| House concurrent resolutions | .. | 5 | .. |
| Simple resolutions | 19 | 94 | .. |
| Special reports | 11 | 6 | .. |
| Conference reports | .. | 7 | .. |
| Measures pending on calendar | 139 | 70 | .. |
| Measures introduced, total | 2,144 | 4,768 | 6,912 |
| Bills | 1,801 | 3,966 | .. |
| Joint resolutions | 27 | 68 | .. |
| Concurrent resolutions | 56 | 257 | .. |
| Simple resolutions | 260 | 477 | .. |
| Quorum calls | 3 | 1 | .. |
| Yea-and-nay votes | 246 | 241 | .. |
| Recorded votes | .. | 266 | .. |
| Bills vetoed | .. | .. | .. |
| Vetoes overridden | .. | .. | .. |

*These figures include all measures reported, even if there was no accompanying report. A total of 142 reports have been filed in the Senate, a total of 243 reports have been filed in the House.

## DISPOSITION OF EXECUTIVE NOMINATIONS

January 4 through September 30, 2005

| | |
|---|---|
| Civilian nominations, totaling 411, disposed of as follows: | |
| Confirmed | 198 |
| Unconfirmed | 204 |
| Withdrawn | 7 |
| Returned to White House | 2 |
| Other Civilian nominations, totaling 1,730, disposed of as follows: | |
| Confirmed | 1,139 |
| Unconfirmed | 591 |
| Air Force nominations, totaling 8,356, disposed of as follows: | |
| Confirmed | 5,931 |
| Unconfirmed | 2,425 |
| Army nominations, totaling 6,584, disposed of as follows: | |
| Confirmed | 6,537 |
| Unconfirmed | 47 |
| Navy nominations, totaling 4,105, disposed of as follows: | |
| Confirmed | 4,100 |
| Unconfirmed | 5 |
| Marine Corps nominations, totaling 1,302, disposed of as follows: | |
| Confirmed | 1,300 |
| Unconfirmed | 2 |

*Summary*

| | |
|---|---|
| Total nominations carried over from the first session | 0 |
| Total nominations received this session | 22,488 |
| Total confirmed | 19,205 |
| Total unconfirmed | 3,274 |
| Total withdrawn | 7 |
| Total returned to the White House | 2 |

*Next Meeting of the* SENATE

9:45 a.m., Tuesday, October 4

Senate Chamber

**Program for Tuesday:** After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of H.R. 2863, Defense Appropriations.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

10 a.m., Thursday, October 6

House Chamber

**Program for Thursday:** Conference Report on H.R. 2360—Department of Homeland Security Appropriations Act for Fiscal Year 2006 (Subject to a Rule).

## Extensions of Remarks, as inserted in this issue

HOUSE

Cooper, Jim, Tenn., E2003
Davis, Artur, Ala., E2005
Herseth, Stephanie, S.D., E2005
Kelly, Sue W., N.Y., E2004
Ney, Robert W., Ohio, E2003, E2004, E2005, E2006
Pombo, Richard W., Calif., E2003
Sanders, Bernard, Vt., E2005
Smith, Christopher H., N.J., E2006
Towns, Edolphus, N.Y., E2004

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