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Senate

(Legislative day of Thursday, October 6, 2005)

The Senate met at 8:15 a.m. and was called to order by the Honorable JIM DEMINT, a Senator from the State of South Carolina.

PRAYER

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

Let us pray.

Gracious God, sustainer of our lives, rescue us from the faults to which we are so prone. Keep us from saying one thing and doing another. Save us from criticizing in others what we condone in ourselves. Deliver us from demanding of others standards we make no effort to fulfill. Give us wisdom not to flirt with temptation but to avoid even the near occasion to sin. Protect us from an indecision that can't say yes or no and from a reluctance to break habits we know are wrong.

Bless our Senators today. Keep them from trying to please both others and You. Save us all from anything which would keep us from loving You with all our heart, soul, mind, and strength.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM DEMINT 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.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 7, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM DEMINT, a Senator from the State of South Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. DEMINT thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, the Senate will vote on the Defense appropriations bill. That vote will occur at 9:15 this morning. I thank and commend Senator STEVENS for his patience and perseverance in getting this bill to the President.

We must complete action on the Homeland Security appropriations conference report before we leave. Senators will be notified if further votes are scheduled.

I yield the floor.

RESERVATION OF LEADER TIME

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006

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

The assistant 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.

Pending:

Reed/Hagel amendment No. 1943, to transfer certain amounts from the supplemental authorizations of appropriations for Iraq, Afghanistan, and the Global War on Terrorism to amounts for Operation and Maintenance, Army, Operation and Maintenance, Marine Corps, Operation and Maintenance, Defense-wide activities, and Military Personnel in order to provide for increased personnel strengths for the Army and the Marine Corps for fiscal year 2006.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Louisiana, Ms. LANDRIEU, is recognized until the hour of 9:15.

Ms. LANDRIEU. Mr. President, as the majority leader stated a moment ago, I also thank Senators STEVENS and INOUE, who worked here very late last night as we got to the end of the debate on the Defense bill. Of course, under the rules we have established, we could speak on that bill for up to 30 hours. Those 30 hours will be coming to an end at 9:15 under the rules of cloture.

Throughout the 30 hours as we debate this very important bill which funds our military men and women and continues their operations moving forward and helps to try to find a solution in Iraq and allocates resources to keep our military strong, we also have been talking a great deal about keeping strong right here at home, particularly keeping strong in the areas that need strength and support right now. That area, of course, is the gulf coast of our Nation, the great energy coast, the great trade coast, the great commerce coast. There are so many important parts of that coast, but the largest city, of course, in the middle of that coast is New Orleans, my hometown.

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



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We have spent a lot of time this week talking about how we can get the help we have promised to this region, to all the people of this region who have suffered. The poor have been crushed, the middle class are staggering, and even wealthy individuals with substantial businesses wake up every morning in Louisiana, Mississippi, Texas, and Alabama thinking, How are we going to get through this day to keep our business open, our employees employed, and take care of the community we have served so proudly for so long?

It is very hard to describe the magnitude of the destruction. Nothing anyone has seen on television captures it. I have watched a lot of television—not as much as I would like because we are busy doing other things, but I have seen a lot of what has come over on the television from CNN, from FOX, from MSNBC, I have listened to NPR, and I have tried to listen to the television. I have been there so many times and seen so much myself, I keep thinking I wish there were some way I could take a bigger camera or make a 4-hour movie to describe to this Nation the depth of the destruction along the gulf coast. Unfortunately, in situations such as this we cannot make a movie quickly. There will be many movies made and many books written. We cannot make one, though, in the next few days or weeks.

I was very fortunate to find the National Geographic special edition to describe our situation as my colleague, Senator VITTER, and I asked for help, more direct help, more immediate help, real help that we need to begin this long, complicated, difficult, and challenging rebuilding effort. I was very fortunate to find this National Geographic issue. We have sent copies to all of our colleagues. I thank the National Geographic again and mention that I just found out this morning that all of the proceeds from the sale of this special edition National Geographic entitled “Katrina, Why It Became A Man-made Disaster, Where It Can Happen Next,” all the proceeds are going to the victims of Katrina—and Rita because that storm came after Katrina hit—and will go to help the victims along the gulf coast from Texas, Louisiana, Mississippi, to Alabama. We so appreciate that effort.

In searching for ways I could describe the depth of the destruction, there are some pictures in National Geographic that give people some idea of what we are faced with. Again, these pictures cannot quite tell the story. While this looks like blocks and blocks along the gulf coast, this is probably the city of Waveland. It could be parts of Biloxi. It could be parts of Pass Christian. I am not exactly sure where, but it is somewhere along Mississippi. You can tell how pretty their beach is. We have a different kind of coastline in Louisiana.

The reason I have been spending so much time on this Defense bill talking about this issue is this is our war. This

is our Baghdad. This is a picture of parts of New Orleans with water as far as the eye can see. There is another picture that shows the city in the background and the depths of flood around it. This picture is a graveyard in New Orleans. Of course, we bury our dead above ground because there is so much water we cannot even dig a few feet down to bury them. This picture is one of our graveyards.

Looking through the National Geographic, when you see the pictures of destruction, I don't know if the camera can see the depths of the destruction, the industrial canal, the Lower 9th Ward in New Orleans. These pictures could be shown from the western side of our State to the eastern side of our State, to New Orleans, to the gulf coast of Mississippi, into some parts of Alabama, and into some parts of Texas. Two million people have been displaced and are searching for high ground, for stability, for housing, for jobs. From the cities they fled, from communities they fled, in boats a lot like this. They are searching for housing, apartments, jobs, safety. Most important, what they need is help, real help—not promises, not photo-ops, but real, serious help.

Let me show some other pictures of people who need help. This is a gentleman in Lafitte. I would say he needs a little help. He may be interested in some tax breaks that people have offered around here. I don't know at this exact moment what tax breaks might help him, but a fireman would be good or someone who could help drain out some of the water—maybe one of his employees from Lafitte, which does not have a tax base, who is about ready to go out of business, maybe someone who works for the little town of Lafitte that was created by Mayor Tim Kerner's father, the father of Lafitte who helped create this town. I actually went to his funeral last week. He served with my father. When he was mayor of Lafitte, my father was mayor of New Orleans. We went to his funeral to pay respects to the family. His son now is mayor of Lafitte. I don't know how long he will be mayor because Lafitte does not have a tax base to stay in business. This man used to live in Lafitte. If this town folds because we cannot get a loan to them, that is all they have. I don't know where he goes, but he is looking for help.

This is a woman—I am sorry I don't know her name, but there is a picture and description of her in the magazine. This woman looks pretty self-reliant to me. She obviously looks troubled and anxious. She is doing what she can to carry her two children to safety. People all over the gulf coast did this, basically by themselves, with limited support. A lot has been said about people not helping people, but David Johnson, who was unable to work, is carried from his home in eastern New Orleans by Mickey Monceaux. The authorities say the water is leveling off as Lake Pontchartrain empties in the gulf. We

have had people helping each other during this time, being as self-reliant as possible.

Here is another picture. National guardsman Jon Eric Miletello comforts his grandmother. This young man probably—because most of the National Guard in Louisiana have pulled triple and double duty in Iraq—probably just got back from Iraq. You can see how much he loves his grandmother, the way he is looking at her to help her get out of the floodwater.

I don't know what city she lives in, but I can promise you that National Guard specialist would appreciate it if this Congress could take a billion dollars of the \$43 billion that is sitting in a bank account going nowhere, doing nothing, and lend it to the cities and the towns and communities on the gulf coast to help his grandmother figure out what she might do in the next few weeks and months and years. We are not certain about what his grandmother's future is, but we would like some time to figure it out.

I know a lot of people have died in Iraq. I have had 42 soldiers die in Iraq. Our elected officials have gone to as many funerals as we can possibly go to. We have written as many letters to their families, and called them. We have had about 942 people die from this disaster.

Our challenge right here at home—and not to underestimate in any way the lives that have been given to protect this country. We want to get our soldiers home and protect them. That is why we are passing this bill, and that is why I am not holding this bill. I can't hold this bill because we have 30 hours of debate, but I have taken time through this 30 hours to talk about the war right here at home.

“Here lies Vera. God help us.” In New Orleans, as people were dying with no place to go, the neighbors built makeshift coffins. This one could still be there. It was there when a National Geographic photographer took it maybe a week or two ago. It could still be there in a neighborhood in New Orleans. Many of the bodies that are yet unidentified are in the prison at St. Gabriel. That awesome and gruesome situation is being worked out as I speak.

In the midst of all of this tragedy and destruction of cities and towns and high water and inadequate FEMA response, my colleague and I came to the floor and have been working through the week in meetings and letter exchanges and telephone calls, working with Senators, trying to work with the House, trying to work with the administration to say: OK, we know things aren't working as well as they could. What can we do to try to fix it?

We came up with a suggestion. Let's take a billion dollars from the \$43 billion that FEMA has sitting there that has already been allocated and move it to an already established loan program to give the cities and counties and sheriffs and law enforcement the help they need for 3 months, just 3 months,

while we go on vacation again. Just give them 3 months. Lend them some money to keep their lights on, to keep their cities and their communities and the hospitals open until we can figure out a long-range plan.

We may have to refinance some debt. We may have to close areas down permanently. We hope not, but maybe we will have to. We are going to have to do a lot of things we never thought we would have to—such as build a good levee system. We will have to do that. So we came to ask for a loan under the program that has been established since 1972.

We have basically been told—even after working through the night, after offering a variety of different compromises—I am sorry, to the Louisiana delegation; I am sorry, to the Mississippi delegation; I am sorry, to the Alabama and Texas delegation, but the only way that we will lend you the money is if you pay it back under different terms than anyone has before and that anyone will be asked to do in the future.

With 45 minutes left in the debate, still the only way that we can get 3 months of operating expenses, under a program that already exists, with money that we have already allocated that is sitting in a bank account doing nothing, is to agree to tight-fisted lending policies that have never been applied to anyone else in America and, according to the draft that I saw last night at 2 o'clock in the morning, will not be applied to anyone in the future. But for Louisiana, Mississippi, Alabama, and Texas, the Gulf Coast States—and not all of Alabama but just the regions hit by the storm—for those counties, the only way you all on the gulf coast can get the money is under a new, tight-fisted, basically what one could describe as higher interest rate loans because there is no way under any circumstance, according to the draft I have seen, no matter how dire your situation, that you could ever be given any reprieve whatsoever to not have to pay the whole thing back.

Some people have classified this latest offer from the Republican leadership as a compromise. A compromise is an effort to do the best you can for people while preserving some important principle. This is no compromise; this is an agreement between the rightwing and the far rightwing, people who are holding the power and are not willing to use it on behalf of people who need help. The gulf coast of Louisiana has been hit by the worst hurricane in the history of our country. Then we were hit by a disastrous break in a levee system that was not supported, not built to standard, and not invested in by a nation, and in some measure by our own selves, but in large measure by a nation that refused to recognize the importance of this levee system, not just for the people of Louisiana and the southern part of Mississippi but a levee system to continue to bring trade and

commerce and jobs and wealth to a nation that needs and was actually built on the banks of the mighty Mississippi River.

Despite decades of speeches from members of our delegation about the importance of investing in levees and even agreeing to take some of our own revenues generated off of our coast to invest in hurricane protection and levee protection, we were in large measure left to fend for ourselves in a way that while the Federal Government contributed money, those moneys kept getting less and less relative to other spending and other priorities in Congress, until we were left with a second-rate levee system. Now we have a major disaster on our hands.

It is extremely important that the people of our country know that there is a way that we can rebuild this region; that there is a way that we can pull together to do it. When we make suggestions as simple as getting \$1 billion to go through a loan program that is already established with money that has already been appropriated, when we are told, that is too much to ask, we can't do that, we can't afford to do it because the people of the gulf coast just have to understand that you have to take this on terms and conditions that no one has been asked to before and no one will be asked to after, is a hard thing for this Senator to accept.

A historian once described New Orleans as an inevitable city in an impossible location. That pretty much captures where we are today. We are having an inevitable debate that places the people of Louisiana and the gulf coast in an impossible situation. We are asking for a 3-month loan to keep our cities and communities operating, for our sheriffs, for police, for firefighters, for critical city workers, for some of our hospitals that, despite the worst storm in the world, stayed open, kept their lights on, kept serving people, and are sustaining a region of this country that is vital for the future of the Nation. We ask for a loan, and we get nothing but empty promises and tight-fisted lending policies when we need help.

We have been stuck by the worst natural disaster. We now have a third-rate FEMA operating, a second-class levee system, and now, to pour salt on the wound, a tight-fisted lending policy applied only to us. I am asked, basically: Senator, take it or leave it. That is a hard question to ask any Senator—take it or leave it. That is why I have taken all of these 30 hours to consider what our options are, to try to bring our case to the American people, to ask the country: Is this fair? I don't believe it is, but life isn't fair.

Our job is to try to make it more fair. That is why I am here. I don't know, I hope that is why everybody else is here. But that is why I am here. I would hope that my colleagues would think, particularly in the Senate, Republicans and Democrats, that that is why we are here.

Talking about Senators, I thank the Senators who worked through the night trying to come up with a real compromise, a compromise with dignity, a compromise with some hope, a compromise that would give our cities some hope that somebody in Washington is listening. The junior Senator from Delaware, Mr. CARPER, who has no immediate interest other than he was a former Governor, a former House Member, he spent time on my and Senator VITTER's behalf on the House side trying to talk to the leaders of the Republican Appropriations Committee to say: Why are you asking for new terms for Louisiana, Mississippi, Alabama, and Texas when you have given these terms before to others?

We know we are asking for the cap to be raised. The cap has been raised before. There is a \$5 million loan cap on a program where our cities, not only New Orleans, which is the largest, but the parishes of Jefferson and St. Tammany and St. Bernard and Plaquemine—their monthly operating budget in the city of New Orleans is \$20 million. So ask me what borrowing \$5 million would help? A week? That is what we would be able to borrow, 1 week?

So we have asked for the loan cap to be raised so the cities can borrow some money, and the parishes and the sheriffs, which are not included specifically in the language of the "compromise" that has been offered, they are not specifically included. It has been inferred that our sheriffs are included. But our sheriffs are elected. They are different from the rest of the country. They perform a tremendous service to our State and to our parishes. They were the ones who carried people on their backs to safety. They were the ones who helped keep law and order. They didn't do everything perfectly, but they did the best they could under a very difficult circumstance. They are not even specifically in the compromise. If we can't keep law enforcement operating, if we can't keep our lights on, if we can't keep some running water in what pipes we have left, if we can't keep the mayors and the parish councils at work having meetings, turning on city hall, trying to mop out their city halls, could anybody here tell me how we begin to rebuild a region without basic, essential community services? I don't know.

I know the private sector can do a great deal. But you know what the private sector people coming into my office tell me, whether they are big business or small: Senator, we need lights. We need water. And, Senator, please tell them to stop sending us bottled water; I need for the water to go on in my business because my employees want to come back to work, but I can't bring them back to work without water. If we lay off the sewage and water board and the people who work to turn on the water, how in the heck are we going to get water and electricity on? If you are trying to give a

tax credit to a small business or big business, I don't think it is going to work very well.

The Democratic leader, Senator REID, worked through the night. The junior Senator from New York, Mrs. CLINTON, worked through the night. Senator BARACK OBAMA came down here at 1:30 in the morning and asked if there was something he could do. Senator BLANCHE LINCOLN from Arkansas, who has been a great voice for us, although her State was not directly impacted, has come to the floor many times this week to say the 75,000 citizens who were evacuated to Arkansas would be well cared for and well taken care of but has asked for some help with their health care system as Arkansas struggles to provide health care services to these individuals, and they have been turned down time after time.

I have a word for the people of Louisiana. The men and women I mentioned are your true friends as Senator VITTER, my colleague from Louisiana, and I have worked together to try to forge the best possible arrangement we could make for the people of our State. Without a bit of self-interest, they have fought for you. They have searched throughout the night for a true compromise.

I am proud to serve with these colleagues of mine because they do not believe the people of Louisiana should have to trade their dignity for cash. But that is basically what we are being asked to do, in the opinion of this Senator. In other words, Senator, you can have the loan for the people of your State, but you are going to take it under a tightfisted policy that has never been applied before to anyone and, by the way, according to the script that we are going to give you, it won't be applied to anyone in the future, but only for you—for Louisiana, for Mississippi, for Alabama, for the poor, for the middle income, and for the rich. Only for you all in the South is this going to be applied. Take it or leave it.

I hope the people of Louisiana, whom I have proudly represented for so long, can understand why I spent the evening here and why I am going to continue to stay at this desk as often as I can in between trips home visiting with local elected leaders trying to help organize meetings, supporting all the local officials—Democrats and Republicans, Black and White, urban and suburban, rich and poor citizens to try to help us rebuild a State that is not only a State we love, but a region that the country needs, even though the country refuses to understand how valuable we are to them.

I think people can understand why the situation is as critical as some of us are trying to show. The devastation is enormous. It is unprecedented. Our options are limited. FEMA is not working. The Red Cross is getting very mixed reviews, and I say that with the greatest respect for a very great organization. But we are getting very

mixed reviews about the Red Cross. We have 50,000 people in shelters with nowhere to go, no housing available even if you presented vouchers. I am not saying we do not need them, but it is not an option that is working well because our cities are so full of people who have left the south of our State to find shelter, to find jobs, to find stability, and to find their families because the old voucher program is not working very well.

We have people in hotels. That causes problems with the business community because when they have conferences or visitors, they cannot get their own executives into the hotels to do business in the city.

I have talked a lot about New Orleans. I have talked a lot about Lafitte, Grand Isle, Plackman, St. Tammany, and Calcasieu, but let me, for a minute, talk about Baton Rouge, our capital city, and Lafayette, the heart of the Cajun culture in our State, and Monroe, the home of my husband and our home for 6 years, and Shreveport. These are our other major cities that sit to the north in our State. These cities were struggling to pay their bills to make things work for their communities, some of them growing quite fast and doing quite well but, as we know, when counties and parishes grow, their school systems are strained and their transportation systems are strained.

They were managing just like we all manage and do the best we can. And then overnight, the city of Baton Rouge, under the great leadership of Kip Holden and a great council, ended up getting 150,000 new citizens in 1 week—150,000 new citizens in a city of 350,000. They might need to borrow a little money. When you try to move in Baton Rouge from one part of the city to the next, the traffic is back to back. Lafayette is the same way.

So I do not want the people of my State to think I am not aware that there are not impacts everywhere. Again, this is a program that has existed for the benefit of everybody in this country, and we have asked to take \$1 billion from FEMA and move it—not new money, but money that is sitting in FEMA's bank account that they cannot spend, and give it in loans under the same terms and conditions as other States to which it has been given, and we are told "no."

From the authorization of this loan program in 1974 through December 31, the Federal Government disbursed nearly \$100 million in 42 loans. Of that amount, millions have been repaid, some of it has been canceled, 7 were fully canceled, 3 were partially canceled, and 29 remain outstanding, of which one has been partially canceled.

This is a program that has worked for everybody in every disaster—earthquakes, hurricanes—but when the people of the gulf coast ask for it under the leadership of the tightfisted House of Representatives, the only way we can get the loans is under new terms at basically a higher interest rate. The

higher interest rate is reflected in the fact that there will be no forgiveness, under any terms, whatsoever written into the law.

It is not available to sheriffs, and it is not available to hospitals—not explicitly available to law enforcement. You might interpret it, someone could make the argument, but we have read the proposed language, and it is not in the bill.

Some people have said this is a way to help law enforcement. They are not in the draft I have seen. We tried to put them in and that was rejected.

Mr. REID. Will the Senator yield for a question?

Ms. LANDRIEU. Not at this minute, but I will in just a second. I will be happy to yield in a moment.

So we have worked through the night, Mr. President, trying to come up with some available options for the people of Louisiana, Mississippi, Alabama, and Texas as they seek to work through a very complicated and difficult situation to try to pull efforts together to make loans available for 3 months.

I have shown this picture throughout the week. That is why, as I close over the next few minutes, I would like to show it again. You can find this picture in the National Geographic, "A World Upside Down." This is Long Beach, MS, a week after Katrina hit. This is Mrs. Leona Watts. The National Geographic says that her home "rests amid the bones of the home where she has lived for 61 years."

The National Geographic goes on to say:

Many Mississippians felt abandoned in the days after the storm as national attention—and relief efforts—seemed locked on New Orleans.

I have asked throughout the week if the city of Long Beach or the cities in Louisiana can get some infusion of cash to help them go through. I don't know what kind of tax credits and other possibilities could help here, at least not in the next few weeks or few months. I am confident that targeted strategic tax cuts can help to rebuild this city.

I am almost certain that in Mississippi—I am not completely certain—that the State could actually borrow money to help this situation. But I do know one thing because I was State treasurer of Louisiana for 8 years: Our State is prohibited from borrowing money for operating expenses because our constitution states that it is fiscally irresponsible because, under normal circumstances, it is irresponsible to borrow money for operating expenses if you are a State. You should borrow money to invest in ports, roads, and infrastructure, not to maintain a lifestyle. Every family knows that. So in Louisiana we have not allowed it for quite some time.

So if I have stood on the floor a little longer for some people and tempers have gotten a little short, I have to stand here to try to explain that while

our State might be in a position to borrow money, although they got a report last week that they are \$1 billion short in their own revenue, but even if they were not \$1 billion short, the Constitution of Louisiana does not allow the State to borrow money.

The State's largest city is laying off thousands of workers by the day. In the city that we keep saying we are going to stand up for, people are being laid off, the city that people still visit for photo ops to say, We are with you, we are not abandoning you, we are there.

My colleague and I come here to ask for \$1 billion out of \$43 billion to give a loan for 3 months for police, fire, law enforcement, to get the lights on and to get the water through the faucets. And we are told: Sorry, the only way that we will give you that money, the only way we will lend you that money is under new policies designed especially for you that no one in the past and no one in the future has to accept. But you, Louisiana, Mississippi, and Alabama, have to take it or leave it.

So through the night, we offered one compromise after another—a real compromise.

Again, the Senator from Michigan is in the Chamber. He helped through the night. Senator REID was particularly supportive, and I have said thank you to Senator STEVENS who is not now on the floor but will be here. He was quite patient through a difficult night. This is a difficult bill.

We have had to take some time, as we have gotten it at the end of the debate on defense, to talk about this. It was our only option. We said just lend us the \$1 billion under the same old and good and steady and traditional programs. That was not accepted.

We have said if the Senate would come together and act, my colleague and I have made it clear that we want the money to be for sheriffs, for several of our hospitals that are in a desperate situation, to allow the cities and parishes to borrow money, and we would be willing, or I would be willing, to send two bills over to the House with Senator VITTER and Senator FRIST's name on both of those bills so the Senate could go on record saying we are ready to act. And if the House wants to pass either one of these, they can pass one and send it to the President's desk and then they can decide whether we should be treated the same or treated differently. And I would live with that. I have made my point clear, I believe, and I have made myself clear in representing the State. We should be treated the same way. But if the House of Representatives decides that we should be treated a different way, if the President of the United States wants to explain why we should be treated differently, I would be happy to send two bills over and let the House of Representatives, under the control of the Republican leadership, decide what they want to do. But that was not acceptable.

So I have stayed here through the night working on as many suggestions

as Republicans and Democrats in the Senate, and my colleagues for whom I have a great deal of respect, suggested, and yet at this hour, a few minutes before the 9:15 vote, the only "compromise" we have is for the people of the gulf coast to take it or leave it—under different terms than have ever been asked by anybody before and will not be asked of anybody in the future.

Last night when I pressed this issue of whether we would be treated the same way, we were told that we could be and we would be. But when we read the bill, the text, it says in added language on page 2—it is a very short bill, so I want to read it for the RECORD. This is the new provision that has been offered to us:

Provided further, notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled.

... notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled.

That language has never been in any act, and before anybody tries to say, well, we are lifting the cap, the cap has been lifted before. Loans have been extended. Never has this language been put in. But this is the Republican leader's tight-fisted money policy that says "such loans may not be canceled."

So the people of my State are in a pretty tough situation—and the people of the gulf coast. We have had a category 5 storm, the breaking of a levy system, everything people have worked for, hoped for, dreamed of—destroyed.

The Federal Government sent us a third-rate FEMA, offered a second-rate levee system, and now a tight-fisted lending policy, and then criticized us for not being more self-reliant.

This woman lived in this house for 61 years. The reason I like to keep showing this picture is she looks a lot like my grandma. And because I know, because I know how self-reliant my grandmother was, I am just going to assume that she was a lot like my grandmother, Loretta Landrieu. My grandmother never graduated from eighth grade. She worked her whole life three jobs. She raised 2 boys and 19 grandchildren. She never asked the Government for any money. When she died, she had \$19,000 in the bank. She gave each one of her grandchildren \$1,000, and she bought us a little camp for \$15,000 on Lake Pontchartrain. In 42 years, the 8 of us raised 37 children in that little camp, with no air-conditioning, and we had a great time. Then as we grew and the family grew and we got a little more prosperous, we put in air-conditioning and we expanded it.

But this is what my grandmother, if she were still alive, this is probably what she would be looking at right now. And I have to listen to people in Washington, the power in Washington, the Republican power from the White House, to this Senate, to the House, tell me that people in the gulf coast area need to be more self-reliant. This woman has lived in this house for 61 years. She has probably paid the mort-

gage. She has probably raised children, worked in her church, never been late for her taxes, just like my grandmother was—every Sunday morning of her life in church. The Catholic Church that she went to doesn't exist anymore. It was washed away in the 29 feet of water that came over Slidell, LA. And I have to listen to the Republican leadership tell me: Just rely on faith-based institutions and private sector involvement.

Our faith-based institutions have done great work. I am so grateful for the many missionaries and churches and synagogues that have come to help. The church in this neighborhood is gone. Maybe another church from Ohio will come down, or Michigan, but this lady's church is gone. Our churches are gone. Our synagogues are gone. And our businesses that are always there to help, that have been helping, that have been keeping people on their payrolls when they had no money coming in the front door, keeping their employees on the payroll, putting up trailers, putting up tents so their employees could come and sleep in the parking lots so they could work in the offices, we are not self-reliant enough.

So this Senator comes to ask for \$1 billion to lend to the communities such as this, and I am told: Sorry, Senator, we can't loan you the money the way we have lent it to everyone for the last 30 years. And by the way, when we do it again in the future, we are going to lend it to everybody under the old program, but just for you we have a special deal. Just for you all we have a special deal.

Here is another man who needs help, and for him we have a special deal—the Republican leadership. We lent money to everybody in America since 1974 under certain terms, but for you, you get a special deal. For this lady walking out of the Superdome—I think this is the Hyatt in New Orleans; I think this is where this is—she is doing the best she can. Obviously, she only has two arms and she has two babies and she is carrying them both—with one blanket, a bottle, and a bottle of water for two babies. No store open, and she comes here to ask for help, and I am told by the Republican leadership in power: Sorry, we are going to lend you the money but under different circumstances.

How much time do I have remaining?

How much time do I have remaining, please?

The PRESIDING OFFICER (Mr. AL-LARD). The Senator has 3½ minutes remaining.

Ms. LANDRIEU. I thank the Chair.

This is the National Guard, Jon Eric Miletello. He has probably pulled double duty in Iraq because our National Guard has been there, trying to stand up Iraq, standing up water systems in Iraq, putting down sewer systems in Iraq, so he comes home and this is what he finds: his grandmother in 5 feet of water. And when we come here to ask for a loan for this town to help

them out just for 3 months, we have to get a different deal.

So in the last 3 minutes I am going to ask the Senate, since they said that they would do this, they want to help, to send this over to the House. Let the House make the decision. Let the House leadership make the decision whether they want to lend us the money under the traditional program or give us yet a special deal for people of the gulf coast.

So I am prepared to ask unanimous consent that the Senate proceed to the immediate consideration of S. 1855, and for that bill to be read and passed. This bill would allow the Stafford Act money to be given under the same terms and conditions as it was to everyone else.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Objection.

The PRESIDING OFFICER. Objection is heard.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate would send the bill over to the House to say that such loans may only be canceled with the approval of the Office of Management and Budget, so that they could be canceled but only Management and Budget could make that decision.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. I object.

The PRESIDING OFFICER. Objection is heard by the Chair.

Ms. LANDRIEU. Mr. President, those are the best ideas we have had. They are obviously not enough. I thank my colleagues for their patience. I understand it has been a difficult time, but this is a difficult situation, and I know that we have held everybody here a day longer than they thought they would be here. We thought we would get out of here about 10 o'clock last night, or 11. I thank Senator STEVENS for his patience. He has been very patient, and Senator INOUE, as they have managed this bill. I thank Senator FRIST for the hours of discussions that he has had, but I will say in closing that when you have power, Mr. President, I believe that we should use it in the wisest and best way. I don't think the work we are doing here is the wisest and the best. It may be the best we can do, but this Senator does not think it is what we should do.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Before the vote, let me quickly explain the two objections and then I will have a unanimous consent request of my own.

Basically, the language of both of the bills that have been put forward has not been reviewed by anybody except maybe two or three people on the floor of the Senate. Second, we do have legislation, the Vitter bill, that has been vetted with the administration. We talked to the Republican leadership in the House. I believe strongly we can

pass this bill over the course of the day.

Having said that, I now ask unanimous consent the Senate now proceed to the Vitter bill which has been at the desk since yesterday. For the information of all Senators, this bill is the same language we have cleared and have been working on for the past 48 hours.

I further ask unanimous consent the bill be read a third time and passed and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object.

Mr. FRIST. Regular order, Mr. President.

Mr. LEVIN. Reserving the right to object. May I ask a question?

The PRESIDING OFFICER. Regular order has been called for. The Senator must—

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

Mr. STEVENS. Mr. President, in fiscal year 2002, Congress provided \$5 million in the Department of Defense appropriations bill to transport and distribute wheelchairs to the victims of overseas conflicts, landmines, and crippling illnesses if matched by private funds. These funds were allocated from amounts provided to the Defense Security Cooperation Agency, DSCA. Since that time, the DSCA has worked with a nonprofit organization called the WheelChair Foundation to deliver over 120,000 wheelchairs to nearly 100 countries, including 5,810 to Afghanistan; 2,400 to Iraq; and over 3,900 to Jordan.

I believe it is vital that we plan and invest not only to win the wars we fight, but also to win the peace. In that regard, this program has been an unqualified success. The hope and chance for a new life that a wheelchair can provide to someone who could never afford one has value beyond measure. Additionally, this program gives us the opportunity to leverage Federal support with the efforts of the nonprofit sector to accomplish more than we could do alone.

The funding specifically earmarked for this initiative in fiscal year 2002 will likely be exhausted within the year. The legislation we are now considering would provide the full amount of the President's request for Overseas Humanitarian, Disaster, and Civic Aid of \$61 million. It is our hope that funding will be available for this activity in the coming fiscal year if appropriate humanitarian needs are identified.

Mr. INOUE. Mr. President, I appreciate the comments from the chairman, and commend his leadership on this issue. I am familiar with the successes that this program has enjoyed. Providing wheelchairs to the victims of overseas conflicts is an important program, and I encourage our Federal agencies to support this program.

WAR RELATED ILLNESSES

Mr. LEVIN. Mr. President, we have before the Senate the fiscal year 2006 Department of Defense appropriations bill, H.R. 2863. This legislation makes a valuable contribution to our Nation's efforts to enhance the quality of life for our soldiers, sailors, airmen and marines as well as their families, while continuing to transform our military forces to ensure that they are capable of meeting the threats to America's security now and in the future.

Mr. INOUE. The committee bill seeks to improve pay and benefits for our military personnel and makes considerable improvements in medical care that our men and women in uniform and their families receive. In addition, funding has been included to fund a Peer Reviewed Medical Research Program that addresses a wide array of important medical programs.

Mr. HARKIN. I agree with the Senator from Hawaii about the significant efforts made by the committee bill to address the well-being of our soldiers, sailors, airmen and marines. Of particular interest to me is peer-reviewed medical research that examines gulf war illnesses and their relationship to chronic multisymptom illnesses. I believe this research could provide valuable insights into diagnosed post-deployment illnesses.

Mr. JOHNSON. My friend from Iowa is correct. For the past several years, the Center for Chronic Pain and Fatigue Research has conducted research on the internal mechanisms and most effective treatment of gulf war illnesses and other undiagnosed post-deployment illnesses. This research has been funded by Congress and overseen by the U.S. Army Medical Research and Materiel Command and its peer-review process. Continued funding for this program will enable the continuation of research into a variety of illnesses reported by personnel upon returning from the gulf war.

Ms. STABENOW. I would agree with my friend from South Dakota. The Center for Chronic Pain and Fatigue Research at the University of Michigan is the national leader in the research of chronic multisymptom illnesses. Their recent research has used advanced functional brain imaging technology to demonstrate the similarity in dysfunctional pain processing between a group of veterans suffering from gulf war illnesses and a group of civilians diagnosed with fibromyalgia. The center's work has taken on added importance because of our Nation's current military deployments and deserves the continued support of Congress and the Department of Defense.

Mr. LEVIN. As the Senators from Michigan and South Dakota have noted, many soldiers returned from the gulf war with a variety of symptoms that have no discernible cause. Although environmental exposure in the gulf war cannot be ruled out as a cause, many believe that stress is a factor that may have contributed to these illnesses. I hope that efforts will be made

to ensure that this bill provides adequate funding to ensure the continuation of this important research.

Mr. STEVENS. I understand the concerns that my colleagues have regarding poorly understood illnesses that have affected military personnel in nearly every conflict since the Civil War, and most recently in Iraq and Afghanistan. As chairman of the Defense Appropriations Subcommittee, I want to lend my support to this important research.

AM2 AND COATINGS REMOVAL TECHNOLOGY

Mr. BURNS. Mr. President, I would like to thank the chairman for his continued efforts to ensure a strong national defense. I am well aware of the tight budget structures the subcommittee faced when marking up the bill. I would like to draw attention to two important programs for future consideration that may have great benefit to our military.

The refurbishment of aircraft fuselages and engines, ships, and jet engine turbine blades requires the removal of paint and other coatings, but can be extremely costly if, while removing the coating, the underlying surface is damaged. I am told that laser technology is able to detect, in real time, when coatings have been removed, thus avoiding damage to the item being serviced. Further, I am told the Air Force Research Laboratory has expressed interest in spectroscopy-based technology as it may assist them in developing robotic systems for coatings removal of large off-aircraft components, as well as developing systems in the future for de-coating large on-aircraft components.

Providing for a lightweight replacement for Air Field Matting, AM2, is among the Top Ten mission critical technology needs of the Department of Defense. AM2 is an outdated 40-year old system currently used by the Air Force, Marine Corps and Army to establish temporary airport systems in the field. I have learned it may be too heavy to deploy easily and unsuitable for missions where mobility and speed are necessary. Lattice Block Structures may be an option to serve as a stronger, lighter and more portable replacement to the antiquated AM2 matting. Fiscal year 2006 funding for Lattice Block Structures could enable DOD to more rapidly establish temporary airfields in support of critical military missions.

Mr. STEVENS. I say to the distinguished Senator from Montana that I appreciate him bringing these important programs to my attention and to the attention of the Senate. I look forward to working with him on these and other important matters that affect our military and national defense in the days and weeks to come.

Mr. MCCAIN. Mr. President, the pending measure, H.R. 2863, the Defense Appropriations Act for Fiscal Year 2006, will provide our men and women in uniform with the equipment, benefits, and programs they need to

carry out their critical missions at home and overseas. Having said that, I must again voice my dismay at the Senate's inability to authorize these appropriations. Critical programs and benefits have not been authorized. The authorizers layout the priorities, and the appropriators fund. Unfortunately, this time honored practice is not being upheld.

As I look over the bill, I see that, as reported in the Senate, it trims \$7 billion from the administration request, leaving that amount available for non-defense appropriations. I am pleased that the cuts are reductions for programs that were underexecuted in the last fiscal year. Unfortunately, and not surprisingly, the bill also includes a large number of unauthorized and unrequested provisions. I hope that the sponsors will carefully reconsider these damaging provisions as the bill works its way through the legislative process. While I appreciate the hard work and the laudable intentions of the members of the Committee, we must all be alarmed at these appropriations earmarks. They limit the ability of our Defense Department to expend needed resources according to its funding priorities.

I have already spoken at length during debate on this bill, so I will not take up much more of the Senate's time again. I am pleased that the Senate recognizes the importance of America's greatest strength, the acknowledgment that we are different and better than our enemies. We are Americans, and we hold ourselves to humane standards of treatment of people no matter how evil or terrible they may be. To do otherwise would undermine both our security and our greatness as a Nation. The Senate spoke with a strong voice this week, and I urge the conferees to include the detention-related amendment in the conference report that will be sent to the President.

With Americans deployed across the globe fighting terror, deployed at home in recovery of Hurricane Katrina, and with looming budget deficits, the Senate faces some tough choices. We must maintain our fiscal responsibility while providing for our military needs. The cost of the conflicts in Afghanistan and Iraq demand a new fiscal sanity in our appropriations bills. A half-a-trillion dollar budget deficit means we simply cannot afford business as usual. We simply cannot continue the binge of pork barrel spending that consumes an ever growing proportion of our federal budget. While the cost of an individual project may get lost in the fine print of lengthy bills, together, they all do real damage. Collectively, these earmarks represent a significant burden to American taxpayers.

Some of the more egregious examples of earmarks, either in the bill or in the accompanying report, include:

The bill includes language to provide \$10 million for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel in West Virginia.

The bill includes language to provide \$3.5 million above the President's budget request to procure aircraft and aviation equipment for the Civil Air Patrol.

The bill includes language to provide \$19,000 above the President's budget request to procure vehicles for the Civil Air Patrol.

The bill includes language to provide \$3 million to support the National Museum of the United States Army at Fort Belvoir, VA.

The bill includes language to provide \$2 million for the installation, repair, and maintenance of an on-base and adjacent off-base wastewater/treatment facility at Naval Computer Telecommunications Area Master Station, NCTAMS, in Hawaii.

The bill includes language to prohibit the procurement of foreign ball and roller bearings. This "Buy America" restriction with regard to the procurement of ball and roller bearings may cost the taxpayers more than purchasing ball and roller bearings from a foreign source.

The bill includes language to direct the Secretary of the Army to fully plan, budget, program finance the Non-Line of Sight Future Force cannon and re-supply vehicle program, NLOS-C, in order to field this system in fiscal year 2010. Furthermore, the bill language directs that if the plan to field the Future Combat System, FCS, in fiscal year 2010 is delayed then it directs the Secretary of the Army to develop the NLOS-C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. Moreover, the bill directs the Army to deliver 8 combat operational pre-production NLOS-C systems by the end of calendar year 2008, in addition to those systems necessary for developmental and operational testing. Section 8103 to H.R. 2853 Separating the Non-line-of-sight cannon, NLOS-C, program from the Future Combat System, FCS, will increase costs and program risk because it invalidates one of the key underpinnings of the FCS program which is to have a family of systems based on equipment commonality. The original concept for the development of the manned ground vehicle was to design and produce a common chassis for all manned ground vehicles. Separating NLOS-C from FCS fundamentally changes this principle and further complicates the development of this already complex and yet critical Army weapons system. Furthermore, bisecting FCS will increase development and sustainment costs and negatively impact systems interoperability. The AirLand Subcommittee on the Senate Armed Services Committee is the appropriate subcommittee of jurisdiction in this matter. Although we had hearings on FCS in the subcommittee this year, we did not hear expert testimony in support of this specific provision. As a result, I intend to offer legislation to repeal this provision in the Defense Authorization bill at the appropriate time.

The bill includes language that authorizes the Secretary of the Air Force to spend \$32 million to make upgrades, repairs, and build additions to buildings and other types of infrastructure associated with military ranges in Alaska.

The bill includes language to provide \$12.9 million in grant money and directs the Secretary of Defense to spend the money for the following: \$850,000 to the Fort Des Moines Memorial Park and Education Center; \$2 million to the American Civil War Center at Historic Tredegar; \$3 million to the Museum of Flight, American Heroes Collection; \$1 million to the National Guard Youth Foundation; \$3 million to the United Services Organization; \$2 million to the Dwight D. Eisenhower Memorial Commission; and \$1 million to the Iraq Cultural Heritage Assistance Project.

Section 8062 of the General Provisions. The text states that, "each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills." I am not making this text up. Let's call a spade a spade. This provision directly protects the jobs of only Hawaiians and Alaskans.

And 2.2 million for the Lewis and Clark Bicentennial celebration. You don't need to have the exploration skills of Lewis and Clark to see that this is a path to higher deficits.

And \$65 million for the Additional Procurement of F-15s. The Air Force has decided to procure the F-22 to replace the F-15. Yet this earmark keeps the F-15 production line open, so I question the necessity of the F-22 procurement in the numbers of aircraft and at the funding levels requested by the Air Force. Apparently we just decided to pay for both.

And \$2 million for the Air Battle Captain Program at the University of North Dakota. This provision sends students from West Point to North Dakota for their flight lessons. Instead of letting flight schools compete for the ability to train these cadets, we have earmarked their training to North Dakota. We are putting parochial interests over the necessity to provide the best training possible for the best price to our Army cadets.

And \$8 million for repairs to a specific building at Rock Island Arsenal. I can think of 8 million reasons why the military, not the Senate should allocate funds to fix their priorities.

And \$10 million for repairs to utility tunnels at Fort Wainwright. The tunnels

aren't broken, mind you, but the owners would like new doors put on them. This appropriation looks to me like an open door to fiscal irresponsibility.

The damage these earmarks do is deadly serious. They pull money away from legitimate funding priorities and they waste taxpayer dollars. Each year, many of the same earmarks appear in appropriations legislation, and each year I come to the floor and point them out to my colleagues. Some of the appropriators' favorite projects include:

The \$25 million for the Hawaii Federal Health Care Network. I remember only 2 years ago when this particular project was given \$23 million dollars. Some things never change.

And \$2 million for the brown tree snakes. Once again, the brown tree snake has slithered its way into our defense appropriation bill. This funding does not belong in the Defense Appropriations Act.

There are many earmarks that funnel dollars to worthy medical research programs, such as breast cancer research, but there is no compelling national defense reason for these items to be in this piece of legislation. This type of critical research should be funded through the Labor/HHS Appropriations bill. Our soldiers and sailors need to be provided with the best equipment, housing, and support possible. Scarce defense dollars should be used for these defense purposes, not others.

I could go on and on—and on and on and on—listing all of the examples of pork in this legislation. We simply need to reassess our priorities.

This year's bill also includes a number of "Buy America" provisions. For example, it prevents the foreign purchase of welded shipboard anchor and mooring chain four inches in diameter and under. Another provision ensures that all carbon, alloy or steel plates are produced in the United States. Whew. I know we'll sleep better at night knowing that all of our carbon plates are manufactured in the U.S. Yet another section prohibits the Department of Defense from purchasing supercomputers from a foreign source.

I continue to be very concerned about the potential impact on readiness of our restrictive trade policies with our allies. Every year, Buy America restrictions cost the Department of Defense and the American taxpayers \$5.5 billion. From a philosophical point of view, I oppose these types of protectionist policies, and from an economic point of view they are ludicrous. Free trade is both an important element in improving relations among nations and essential to economic growth. From a practical standpoint, "Buy America" restrictions could seriously impair our ability to compete freely in international markets and also could result in the loss of existing business from long-standing trade partners.

Some legislative enactments over the past several years have had the effect of establishing a monopoly for a do-

mestic supplier in certain product lines. This not only adds to the pressure for our allies to "Buy European" but it also raises the costs of procurement for DOD, and cuts off access to potential state-of-the-art technologies. In order to maintain our troop strength and force readiness, the DOD must be able to be equipped with the best technologies available, regardless of country of origin. This would ensure both price and product competition.

Defense exports improve interoperability with friendly forces—increasingly necessary as we operate in coalition warfare and peacekeeping missions. Exports lower the unit costs of systems to the U.S. military, and provide the same economic benefits to the U.S. as all other exports—well paying jobs, improved balance of trade, and increased tax revenue. These are really issues of acquisition policy, not appropriations matters. There is no justification for including these provisions in the Appropriations Act.

This bill spends money on Lewis and Clark and funnels cash into military museums. It protects the mooring chain industry and ensures that we only buy American ball bearings. There is enough pork in this bill to feed an army—if only that we used our defense appropriations to do that. I suppose it is more important to appease local constituencies and special interests.

I wish it were not necessary for me to come to the Senate with every appropriations bill to criticize the amount of unrequested spending in the legislation. I do so because I believe it is critical for American taxpayers to understand where the money in their pockets is really going. I urge my colleagues to stop "porking up" our appropriations bills. In a time of huge spending deficits and scarce dollars, it is long past time to stop feeding at the trough.

Mrs. FEINSTEIN. Mr. President, I was pleased to join with the distinguished Chairman of the Defense Appropriations Subcommittee, Senator STEVENS, in offering an amendment that has been accepted as part of the managers' package in the Fiscal Year 2006 Defense appropriations bill.

Specifically, this amendment would require the Office of Management and Budget, along with the Department of Defense and Department of Homeland Security, to conduct a study on "improving the response of the Federal Government to disasters."

I believe this study is essential as it is clear to me that there were breakdowns at every level in our response to Hurricane Katrina.

Moreover, it is critical that the Federal Government improve its response to future disasters.

The study required by this amendment would: review the Federal Government's ability to coordinate and expedite its response efforts; evaluate the role of our military in responding to disasters; consider establishing criteria for "automatically triggering" the

military's participation in emergency response efforts; and look at increasing the role of the U.S. Geological Survey in preparing and responding to future disasters.

In addition, the amendment requires that the Office of Management and Budget prepare a report based on the study that includes: recommendations for improving the Federal Government's response in future disasters with a focus on the military; and proposals for legislation or regulations to implement these recommendations.

Lastly, I would like to express my disappointment that the amendment does not direct the study to analyze the role of the National Guard in responding to disasters.

While I wholly join those colleagues of mine who have commended the untiring and dedicated work of the National Guard in responding to the recent hurricanes, I believe that including an assessment of the National Guard's capabilities is critical to understanding the broader implications of our government's emergency response mechanisms.

As the principal resource available to States to assist in disaster response efforts, it would seem vital to consider the Guard's capabilities under both State and Federal control, and the mechanisms currently established for mobilizing out-of-State Guard units to assist in any response.

Part of such a review would certainly have included a proper evaluation of whether the National Guard currently has the necessary resources and equipment to respond adequately to disasters.

The study required by this amendment is not about placing blame or pointing fingers; there is plenty of fault to go around. Rather, it is about assessing our capabilities to respond to future disasters, and addressing our weaknesses.

As I have said in the past, we need to ensure that we have a system in place that allows the Federal Government to come in immediately with the full force of its resources and assume primary responsibility for response and relief.

Now is the time to prepare for future disasters.

The study and report required by this amendment will provide us a roadmap for enacting the necessary reforms within our Government to make sure we never again have to observe the failures like we experienced during Hurricane Katrina.

Mr. FEINGOLD. Mr. President, although I support passage of this year's Department of Defense appropriations bill, I am deeply disappointed that the Senate has not been allowed a full debate on the Defense authorization bill. It is unconscionable that the Defense authorization bill that is so critical to our men and women in uniform has been allowed to languish for over 5 months. The appropriations bill includes funds for many important items

I strongly support, including vital equipment for those in uniform facing daily dangers in Iraq and Afghanistan. However, vital defense policies are contained in the authorization bill, including policies with a direct impact on military families, such as pay and benefits. The Senate's strong bipartisan efforts to make TRICARE available for the Guard Reserve are also a part of the Defense authorization bill. I therefore urge the majority leader to bring the Defense authorization bill back to the floor so that the Senate can fulfill its obligation to our troops and to the American people.

I am also frustrated that the administration continues to rely on emergency supplemental funding for ongoing operations in Iraq and Afghanistan and continues to delay even those funding requests. The administration did not even request the \$50 billion "bridge fund" included in this bill by the Appropriations Committee even though the Pentagon will soon run out of money for the war effort. This week, Senator BYRD eloquently explained, once again, why the administration should include the costs of the wars in Iraq and Afghanistan in the regular budget. Congress cannot budget responsibly or perform its oversight duties adequately if we continue to rely on supplemental spending bills, which essentially put the costs of war on our national tab. The Senate has insisted on three separate occasions that the administration include war costs in its budget submissions and the administration has ignored the Senate three times. I was proud to cosponsor Senator BYRD's amendment demanding accountability for the fourth time and was gratified that the Senate adopted it.

I am proud that the Senate sent such a strong message to the administration about the treatment of detainees. The lack of a clear policy regarding the treatment of detainees has been confusing and counterproductive. It has left our men and women in uniform in the lurch with no clear direction about what is and is not permissible. This failure on the part of the administration has sullied our reputation as a nation, and hurt our efforts to promote democracy and human rights in the Arab and Muslim world. I was proud to vote for Senator MCCAIN's amendment on interrogation policy because it should help to bring back some accountability to the process and restore our great Nation's reputation as the world's leading advocate for human rights.

I am also pleased that the bill coins a modified version of Senator GRAHAM's amendment, requiring that the administration report to Congress about the procedures used by the tribunals at Guantanamo Bay to determine whether individuals held there are enemy combatants. The modified amendment also makes a very important clarification, ensuring that the tribunals may not consider statements obtained with undue coercion.

This bill also contains a provision I authored establishing the Civilian Linguist Reserve Corps, CLRC, pilot project. It became abundantly clear after the attacks of September 11, 2001, that the U.S. Government had a dearth of critical language skills. The 9/11 Commission report documented the disastrous consequences of this deficiency that, unfortunately, we still have not made enough progress in addressing 4 years after the 9/11 tragedy.

CLRC is designed to address the Government's critical language shortfall by creating a pool of people with advanced language skills that the Federal Government could call on to assist when needed. The National Security Education Program completed a feasibility study of CLRC and concluded that the concept was sound and "an important step in addressing both short- and long-term shortfalls related to language assets in the national security community." It also recommended that a 3-year pilot project be conducted to work out any potential problems. My amendment establishes this pilot project. I want to thank the managers of the bill for working with me to include this important measure and thank Senator COLEMAN for cosponsoring my amendment.

I also want to thank the chairman of the Defense Appropriations Subcommittee for continuing to work with me in assisting the families of injured service members. I was pleased that Congress included my amendment on travel benefits for the family of injured service members in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief of 2005, P.L. 109-13. My amendment corrected a flaw in the law that unintentionally restricted the number of families of injured service members that qualify for travel assistance. Too many families were being denied help in visiting their injured loved ones because the Army had not officially listed them as "seriously injured," even though these men and women have been evacuated out of the combat zone to the United States for treatment. The change in the law now ensures that families of injured service members evacuated to a U.S. hospital get at least one trip paid for so the families can quickly reunite and begin recovering from the trauma they have experienced.

The family travel provision in P.L. 109-13 was sunset at the end of the 2005 fiscal year. H.J. Res. 68 continues to make this travel provision available until November 18 of this year. I was concerned that Congress may not pass the necessary legislation to make this travel benefit permanent before November 18. However, the distinguished Chairman assured me that he would continue working to extend this benefit in fiscal year 2006 until it becomes permanent through the Defense authorization process.

There are provisions in this bill with which I disagree, and the Senate rejected a number of amendments that

would have made this bill better. We continue to waste billions on Cold-War-era weapons systems designed to counter the Soviet Union while not fully funding the needs of the military personnel fighting our current wars. However, on balance, this legislation contains many good provisions for our men and women in uniform and their families, and that is why I support it.

Mr. FRIST. I ask for the yeas and nays on the Defense Appropriations Committee bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from New Hampshire (Mr. GREGG).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) is necessarily absent.

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

[Rollcall Vote No. 254 Leg.]

YEAS—97

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

NOT VOTING—3

Bunning	Gregg	Leahy
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The bill (H.R. 2863), as amended, was passed as follows:

H.R. 2863

Resolved, That the bill from the House of Representatives (H.R. 2863) entitled "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes," do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I—MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officer's Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,099,587,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officer's Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$22,671,875,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$8,894,984,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officer's Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$22,908,750,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent

duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,052,269,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,617,299,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$491,601,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,263,046,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,555,794,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,125,632,000.

TITLE II—OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the

Army, as authorized by law; and not to exceed \$11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$24,573,795,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$6,003,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$30,317,964,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$3,780,926,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$30,891,386,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$18,517,218,000: Provided, That not more than \$25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code, and of which not to exceed \$32,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided further, That of the funds provided under this heading not less than \$27,009,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That \$4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities

and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,956,482,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,239,295,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$197,734,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,474,286,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$4,428,119,000: Provided, That \$10,000,000 shall be available for the operations and development of training and technology for the Joint Interagency Training Center-East and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other federal agency, and state and local first responder personnel at the Joint Interagency Training Center-East.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$4,681,291,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$11,236,000, of which not to exceed \$5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$407,865,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$305,275,000, to remain available until transferred: Provided, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$406,461,000, to remain available until transferred: Provided, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$28,167,000, to remain available until transferred: Provided, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes

provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$271,921,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), \$61,546,000, to remain available until September 30, 2007.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$415,549,000, to remain available until September 30, 2008: Provided, That of the amounts provided under this heading, \$15,000,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East.

TITLE III—PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,562,480,000, to remain available for obligation until September 30, 2008.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title;

and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,214,919,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,359,465,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,708,680,000, to remain available for obligation until September 30, 2008.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; and the purchase of 14 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$255,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$4,426,531,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$9,880,492,000, to remain available for obligation until September 30, 2008.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, tor-

pedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$2,593,341,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$832,791,000, to remain available for obligation until September 30, 2008.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), \$651,613,000;
 NSSN, \$1,637,698,000;
 NSSN (AP), \$763,786,000;
 SSGN, \$286,516,000;
 CVN Refuelings, \$1,493,563,000;
 CVN Refuelings (AP), \$20,000,000;
 SSBN Submarine Refuelings, \$230,193,000;
 SSBN Submarine Refuelings (AP), \$62,248,000;
 DD(X) (AP), \$765,992,000;
 DDG-51 Destroyer, \$29,773,000;
 LHD-8, \$197,769,000;
 LPD-17, \$1,344,741,000;
 LHA-R, \$150,447,000;
 LCAC Landing Craft Air Cushion, \$110,583,000;
 Prior year shipbuilding costs, \$517,523,000;
 Service Craft, \$46,055,000; and

For outfitting, post delivery, conversions, and first destination transportation, \$369,387,000; in all: \$8,677,887,000, to remain available for obligation until September 30, 2010: Provided, That additional obligations may be incurred after September 30, 2010, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not

otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of 9 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$255,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$5,293,157,000, to remain available for obligation until September 30, 2008.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,361,605,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$12,729,492,000, to remain available for obligation until September 30, 2008.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$5,068,974,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and

other expenses necessary for the foregoing purposes, \$996,111,000, to remain available for obligation until September 30, 2008.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$255,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$14,048,439,000, to remain available for obligation until September 30, 2008.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of 5 vehicles required for physical security of personnel, notwithstanding prior limitations applicable to passenger vehicles but not to exceed \$255,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$2,572,250,000, to remain available for obligation until September 30, 2008.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$422,000,000, to remain available for obligation until September 30, 2008: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$68,573,000, to remain available until expended.

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$10,520,592,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$18,557,904,000, to remain available for obligation

until September 30, 2007: Provided, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: Provided further, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$21,859,010,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$19,301,618,000, to remain available for obligation until September 30, 2007.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$168,458,000, to remain available for obligation until September 30, 2007.

TITLE V—REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,154,940,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$579,954,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law,

\$20,237,962,000, of which \$19,345,087,000 shall be for Operation and maintenance, of which not to exceed 2 percent shall remain available until September 30, 2007, and of which up to \$10,157,427,000 may be available for contracts entered into under the TRICARE program; of which \$377,319,000, to remain available for obligation until September 30, 2008, shall be for Procurement; and of which \$515,556,000, to remain available for obligation until September 30, 2007, shall be for Research, development, test and evaluation.

CHEMICAL AGENTS AND MUNITIONS
DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,430,727,000, of which \$1,241,514,000 shall be for Operation and maintenance; \$116,527,000 shall be for Procurement to remain available until September 30, 2008; \$72,686,000 shall be for Research, development, test and evaluation, of which \$57,926,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2007; and no less than \$119,300,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which \$36,800,000 shall be for activities on military installations and \$82,500,000 shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, \$926,821,000: Provided, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$209,687,000, of which \$208,687,000 shall be for Operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 2008, shall be for Procurement.

TITLE VII—RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$244,600,000.

INTELLIGENCE COMMUNITY MANAGEMENT
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$413,344,000, of which \$27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, \$17,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities.

TITLE VIII—GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: Provided further, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$3,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: Provided further, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: Provided further, That a request for multiple

reprogrammings of funds using authority provided in this section must be made prior to June 30, 2006: Provided further, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: Provided, That transfers may be made between such funds: Provided further, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: Provided, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: Provided further, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: Provided further, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: Provided further, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

UH-60/MH-60 Helicopters; and
C-17 Globemaster.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: Provided, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2006, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2006.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. None of the funds appropriated in this or any other Act may be used to initiate a new installation overseas without 30-day advance notification to the Committees on Appropriations.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have re-enlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most

efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b) EXCEPTIONS.—

(1) The Department of Defense, without regard to subsection (a) of this section or subsections (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) TREATMENT OF CONVERSION.—The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor

and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: Provided, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Of the funds appropriated or otherwise made available in this Act, a reduction of \$591,100,000 is hereby taken from title III, Procurement, from the "Other Procurement, Army" account: Provided, That within 30 days of enactment of this Act, the Secretary of the Army shall provide a report to the House Committee on Appropriations and the Senate Committee on Appropriations which describes the application of these reductions to programs, projects or activities within this account.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8020. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined

under section 4221(9) of title 25, United States Code shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: Provided further, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code: Provided further, That, during the current fiscal year and hereafter, businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85-536, as amended, shall have the same status as other program participants under section 602 of Public Law 100-656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8025. The Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the Senate accompanying this Act, and the projects specified in such guidance shall be considered to be authorized by law.

SEC. 8026. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8027. (a) Of the funds made available in this Act, not less than \$31,109,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$24,288,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$6,000,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) \$821,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the

Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8028. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: Provided, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2006 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2006, not more than 5,500 staff years of technical effort (staff years) may be funded for defense FFRDCs: Provided, That of the specific amount referred to previously in this subsection, not more than 1,050 staff years may be funded for the defense studies and analysis FFRDCs: Provided further, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2007 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$51,600,000.

SEC. 8029. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: Provided further, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8030. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of

Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8031. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: Provided, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: Provided further, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8032. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2006. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8033. Appropriations contained in this Act that remain available at the end of the current fiscal year, and at the end of each fiscal year hereafter, as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8034. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8035. None of the funds appropriated in this Act shall be used to study, demonstrate, or implement any plans privatizing, divesting or transferring of any Civil Works missions, functions, or responsibilities for the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act of Congress.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, and hereafter, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8039. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) PROCESSING OF REQUESTS.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) RESOLUTION OF HOUSING UNIT CONFLICTS.—The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) INDIAN TRIBE DEFINED.—In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2007 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2007 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2007 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2007: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working

Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2007.

SEC. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8044. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8045. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8046. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in an amount of less than \$25,000,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8047. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8048. Up to \$3,000,000 of the funds appropriated in Title II of this Act under the heading, "Operation and Maintenance, Army", may be made available to contract with the Army Historical Foundation, a non profit organization, for services required to solicit non-Federal donations to support construction and operation of the National Museum of the United States Army at Fort Belvoir, Virginia: Provided, That notwithstanding any other provision of law, the Army is authorized to receive future payments in this or the subsequent fiscal year from any non-profit organization chartered to support the National Museum of the United States Army to reimburse amounts expended by the Army pursuant to this section: Provided further, That any reimbursements received pursuant to this section shall be merged with "Operation and Maintenance, Army" and shall be made available for the same purposes and for the same time period as that appropriation account.

(RESCISSIONS)

SEC. 8049. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Other Procurement, Army, 2005/2007", \$68,500,000;
 "Aircraft Procurement, Navy, 2005/2007", \$104,800,000;
 "Shipbuilding and Conversion, Navy, 2005/2009", \$67,300,000;
 "Other Procurement, Navy, 2005/2007", \$43,000,000;
 "Aircraft Procurement, Air Force, 2004/2006", \$4,000,000;
 "Aircraft Procurement, Air Force, 2005/2007", \$20,000,000;
 "Missile Procurement, Air Force, 2005/2007", \$29,000,000;
 "Research, Development, Test and Evaluation, Army, 2005/2006", \$25,900,000;
 "Research, Development, Test and Evaluation, Navy, 2005/2006", \$70,900,000; and
 "Research, Development, Test and Evaluation, Air Force, 2005/2006", \$63,400,000.

SEC. 8050. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8051. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8052. During the current fiscal year and hereafter, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8053. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program (NIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8054. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003 level: Provided, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8055. Up to \$2,000,000 of the funds appropriated under the heading, "Operation and Maintenance, Navy" may be made available to contract for the installation, repair, and maintenance of an on-base and adjacent off-base wastewater/treatment facility and infrastructure critical to base operations and the public health and safety of community residents in the vicinity of the NCTAMS.

SEC. 8056. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8057. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8058. Appropriations available under the heading "Operation and Maintenance, Defense-Wide" for the current fiscal year and hereafter for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8059. None of the funds appropriated by this Act may be used for the procurement of ball

and roller bearings other than those produced by a domestic source and of domestic origin: Provided, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8060. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8061. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8062. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8063. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8064. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8065. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by \$92,000,000 to limit excessive growth in the travel and transportation of persons.

(b) The Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity within each applicable appropriation account.

SEC. 8066. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8067. None of the funds provided in this Act may be obligated to realign or relocate forces or operational assets from bases to be converted to enclave status until the Secretary of Defense certifies that he has sought new missions for these bases as mandated by the 2005 Defense Base Closure and Realignment Commission: Provided, That the Secretary of Defense shall report his findings to the congressional defense committees not later than October 1, 2006.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8068. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8069. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): Provided, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: Provided further, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8070. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of Title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8071. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8072. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8073. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8074. None of the funds made available in this Act may be used to approve or license the sale of the F-22 advanced tactical fighter to any foreign government.

SEC. 8075. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of

defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8076. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8077. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

SEC. 8078. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made

in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8079. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8080. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8081. The Secretary of Defense shall provide a classified quarterly report, beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8082. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8083. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) CERTIFICATIONS AS TO COMPLIANCE WITH FINANCIAL MANAGEMENT MODERNIZATION PLAN.—

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than \$1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1).

(c) CERTIFICATIONS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.—

(1) During the current fiscal year, a major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production approval, or their equivalent, within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a certification and confirmation that the following steps have been taken with respect to the system:

- (A) Business process reengineering.
- (B) An analysis of alternatives.
- (C) An economic analysis that includes a calculation of the return on investment.
- (D) Performance measures.
- (E) An information assurance strategy consistent with the Department's Global Information Grid.

(d) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

SEC. 8084. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: Provided, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8085. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8086. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal

non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8087. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8088. Up to \$2,500,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" in this Act for the Pacific Missile Range Facility may be made available to contract for the repair, maintenance, and operation of adjacent off-base water, drainage, and flood control systems, electrical upgrade to support additional missions critical to base operations, and support for a range footprint expansion to further guard against encroachment.

SEC. 8089. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. Of the amounts appropriated in this Act under the heading, "Operation and Maintenance, Army", \$147,900,000 shall remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: Provided further, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects described in further detail in the Classified Annex accompanying the Department of Defense Appropriations Act, 2006, consistent with the terms and conditions set forth therein: Provided further, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: Provided further, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8091. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2006.

SEC. 8092. Amounts appropriated in title II of this Act are hereby reduced by \$265,890,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

- (1) From "Operation and Maintenance, Army", \$36,890,000.
- (2) From "Operation and Maintenance, Navy", \$79,000,000.
- (3) From "Operation and Maintenance, Air Force", \$150,000,000.

SEC. 8093. The total amount appropriated or otherwise made available in this Act is hereby reduced by \$100,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

- "Operation and Maintenance, Army", \$37,000,000;
- "Operation and Maintenance, Air Force", \$6,000,000;
- "Operation and Maintenance, Defense-Wide", \$45,000,000; and
- "Operation and Maintenance, Army Reserve", \$12,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8094. Of the amounts appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide", \$143,600,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, \$70,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures, and \$10,000,000 shall be available for the purpose of the initiation of a joint feasibility study and risk reduction activities designated the Short Range Ballistic Missile Defense (SRBMD) initiative: Provided further, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: Provided further, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8095. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", \$517,523,000 shall be available until September 30, 2006, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: Provided further, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1998/2006":

New SSN, \$28,000,000.

Under the heading, "Shipbuilding and Conversion, Navy, 1999/2006":

LPD-17 Amphibious Transport Dock Ship Program, \$95,000,000;

New SSN, \$72,000,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2000/2006":

LPD-17 Amphibious Transport Dock Ship Program, \$94,800,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2001/2006":

Carrier Replacement Program, \$145,023,000;

New SSN, \$82,700,000.

SEC. 8096. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under section 7622 of title 10, United States Code arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8097. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: Provided, That the command

and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8098. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code for occupations listed in section 7403(a)(2) of title 38, United States Code as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of section 7403(g)(1)(A) of title 38, United States Code shall apply.

(B) The limitations of section 7403(g)(1)(B) of title 38, United States Code shall not apply.

SEC. 8099. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 8100. In addition to funds made available elsewhere in this Act, \$5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as, but not limited to, the provision of funds for repairs, maintenance, construction, and/or for the purchase of information technology, text books, teaching resources), to public schools that have unusually high concentrations of special needs military dependents enrolled: Provided, That in selecting school systems to receive such assistance, special consideration shall be given to school systems in States that are considered overseas assignments, and all schools within these school systems shall be eligible for assistance: Provided further, That up to 2 percent of the total appropriated funds under this section shall be available to support the administration and execution of the funds or program and/or events that promote the purpose of this appropriation (e.g. payment of travel and per diem of school teachers attending conferences or a meeting that promotes the purpose of this appropriation and/or consultant fees for on-site training of teachers, staff, or Joint Venture Education Forum (JVEF) Committee members): Provided further, That up to \$2,000,000 shall be available for the Department of Defense to establish a non-profit trust fund to assist in the public-private funding of public school repair and maintenance projects, or provide directly to non-profit organizations who in return will use these monies to provide assistance in the form of repair, maintenance, or renovation to public school systems that have high concentrations of special needs military dependents and are located in States that are considered overseas assignments: Provided further, That to the extent a Federal agency provides this assistance, by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose, if the non-Federal entity requests such assistance and the non-Federal funds are provided on a reimbursable basis.

SEC. 8101. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8102. The amounts appropriated in title II of this Act are hereby reduced by \$350,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From "Operation and Maintenance, Army", \$100,000,000.

(2) From "Operation and Maintenance, Navy", \$150,000,000.

(3) From "Operation and Maintenance, Air Force", \$100,000,000.

SEC. 8103. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall

make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS-C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: Provided, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS-C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS-C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: Provided further, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8104. Of the funds made available in this Act, not less than \$76,100,000 shall be available to maintain an attrition reserve force of 18 B-52 aircraft, of which \$3,900,000 shall be available from "Military Personnel, Air Force", \$44,300,000 shall be available from "Operation and Maintenance, Air Force", and \$27,900,000 shall be available from "Aircraft Procurement, Air Force": Provided, That the Secretary of the Air Force shall maintain a total force of 94 B-52 aircraft, including 18 attrition reserve aircraft, during fiscal year 2006: Provided further, That the Secretary of Defense shall include in the Air Force budget request for fiscal year 2007 amounts sufficient to maintain a B-52 force totaling 94 aircraft.

SEC. 8105. The Secretary of the Air Force is authorized, using funds available under the heading "Operation and Maintenance, Air Force", to complete a phased repair project, which repairs may include upgrades and additions, to the infrastructure of the operational ranges managed by the Air Force in Alaska: Provided, That the total cost of such phased projects shall not exceed \$32,000,000.

SEC. 8106. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$12,850,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2006: Provided, That the Secretary of Defense shall make grants in the amounts specified as follows: \$850,000 to the Fort Des Moines Memorial Park and Education Center; \$2,000,000 to the American Civil War Center at Historic Tredegar; \$3,000,000 to the Museum of Flight, American Heroes Collection; \$1,000,000 to the National Guard Youth Foundation; \$3,000,000 to the United Services Organization; \$2,000,000 to the Dwight D. Eisenhower Memorial Commission; and \$1,000,000 to the Iraq Cultural Heritage Assistance Project.

(TRANSFER OF FUNDS)

SEC. 8107. The Secretary of Defense may transfer funds from any currently available Department of the Navy appropriation to any available Navy shipbuilding and conversion appropriation for the purpose of funding shipbuilding cost increases for any ship construction program, to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: Provided, That all transfers under this section shall be subject to the notification requirements applicable to transfers under section 8005 of this Act.

SEC. 8108. The budget of the President for fiscal year 2007 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: Provided, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve

components, and for each appropriations account: Provided further, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: Provided further, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8109. Of the amounts provided in title II of this Act under the heading, "Operation and Maintenance, Defense-Wide", \$20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8110. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8111. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: Provided, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8112. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

(TRANSFER OF FUNDS)

SEC. 8113. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: Provided, That funds so transferred shall be merged with and shall be available for the same purpose and for the same time period as the appropriation to which transferred: Provided further, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 2003/2007":

For outfitting, post delivery, conversions, and first destination transportation, \$3,300,000;

Under the heading, "Shipbuilding and Conversion, Navy, 2004/2008":

For outfitting, post delivery, conversions, and first destination transportation, \$6,100,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 2003/2007":

SSGN, \$3,300,000.

Under the heading, "Shipbuilding and Conversion, Navy, 2004/2008":

SSGN, \$6,100,000.

SEC. 8114. None of the funds in this Act may be obligated for a classified program as described on page 18 of the compartmented annex

to Volume IV of the Fiscal Year 2006 National Intelligence Program justification book unless specifically authorized in the Intelligence Authorization Act for Fiscal Year 2006.

SEC. 8115. (a) The Director of the Office of Management and Budget shall, in coordination with the Secretary of Defense and the Secretary of Homeland Security, conduct a study on improving the response of the Federal Government to disasters.

(b) The study under subsection (a) shall—

(1) consider mechanisms for coordinating and expediting disaster response efforts;

(2) examine the role of the Department of Defense in participating in disaster response efforts, including by providing planning, logistics, and relief and reconstruction assistance;

(3) consider the establishment of criteria for automatically triggering the participation of the Department of Defense in disaster response efforts; and

(4) assess the role of the United States Geological Survey in enhancing disaster preparation measures.

(c) Not later than May 1, 2006, the Director of the Office of Management and Budget shall submit to Congress a report on the study conducted under subsection (a), including—

(1) recommendations for improving the response of the Federal Government to disasters, including by providing for greater participation by the Department of Defense in response efforts; and

(2) proposals for any legislation or regulations that the Director determines necessary to implement such recommendations.

SEC. 8116. (a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Centers for Disease Control and Prevention \$3,913,000,000 for activities relating to the avian flu epidemic during the fiscal year ending September 30, 2006, which shall be available until expended.

(b) Of the amount appropriated under subsection (a)—

(1) \$3,080,000,000 shall be for the stockpiling of antivirals and necessary medical supplies;

(2) \$33,000,000 shall be for global surveillance relating to avian flu;

(3) \$125,000,000 shall be to increase the national investment in domestic vaccine infrastructure including development and research;

(4) \$600,000,000 shall be for additional grants to state and local public health agencies for emergency preparedness, to increase funding for emergency preparedness centers, and to expand hospital surge capacity;

(5) \$75,000,000 shall be for risk communication and outreach to providers, businesses, and to the American public;

(c) The amount appropriated under subsection (a)—

(1) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

(d) This section shall take effect on the date of enactment of this Act.

SEC. 8117. Nonreduction in pay while Federal employee is performing active service in the uniformed services or National Guard. (a) SHORT TITLE.—This section may be cited as the “Reservists Pay Security Act of 2005”.

(b) IN GENERAL.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

“§5538. Nonreduction in pay while serving in the uniformed services or National Guard

“(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

“(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee’s civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

“(2) the amount of pay and allowances which (as determined under subsection (d))—

“(A) is payable to such employee for that service; and

“(B) is allocable to such pay period.

“(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee’s civilian employment had not been interrupted)—

“(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

“(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee’s civilian employment with the Government.

“(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

“(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

“(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

“(c) Any amount payable under this section to an employee shall be paid—

“(1) by such employee’s employing agency;

“(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

“(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee’s civilian employment had not been interrupted.

“(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

“(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

“(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

“(f) For purposes of this section—

“(1) the terms ‘employee’, ‘Federal Government’, and ‘uniformed services’ have the same respective meanings as given them in section 4303 of title 38;

“(2) the term ‘employing agency’, as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

“(3) the term ‘basic pay’ includes any amount payable under section 5304.”.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

“5538. Nonreduction in pay while serving in the uniformed services or National Guard.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to pay periods (as described in section 5538(b) of title 5, United States Code, as amended by this section) beginning on or after the date of enactment of this Act.

SEC. 8118. Notwithstanding Section 101 of H.J. Res. 68, the Community Services Block Grant program shall be funded at the same rate of operation as in Division F of Public Law 108-447, through November 18, 2005.

SEC. 8119. APPLICATIONS FOR IMPACT AID PAYMENT.—Notwithstanding paragraphs (2) and (3) of section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)(2) and (3)), the Secretary of Education shall treat as timely filed, and shall process for payment, an application under section 8002 or section 8003 of such Act (20 U.S.C. 7702, 7703) for fiscal year 2005 from a local educational agency—

(1) that, for each of the fiscal years 2000 through 2004, submitted an application by the date specified by the Secretary of Education under section 8005(c) of such Act for the fiscal year;

(2) for which a reduction of more than \$1,000,000 was made under section 8005(d)(2) of such Act by the Secretary of Education as a result of the agency’s failure to file a timely application under section 8002 or 8003 of such Act for fiscal year 2005; and

(3) that submits an application for fiscal year 2005 during the period beginning on February 2, 2004, and ending on the date of enactment of this Act.

SEC. 8120. Of the amount appropriated by title III under the heading “OTHER PROCUREMENT, NAVY”, up to \$3,000,000 may be made available for the Joint Aviation Technical Data Integration Program.

SEC. 8121. (a) RENAMING OF DEATH GRATUITY PAYABLE FOR DEATHS OF MEMBERS OF THE ARMED FORCES.—Subchapter II of chapter 75 of title 10, United States Code, is amended as follows:

(1) In section 1475(a), by striking “have a death gratuity paid” and inserting “have fallen hero compensation paid”.

(2) In section 1476(a)—

(A) in paragraph (1), by striking “a death gratuity” and inserting “fallen hero compensation”; and

(B) in paragraph (2), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(3) In section 1477(a), by striking “A death gratuity” and inserting “Fallen hero compensation”.

(4) In section 1478(a), by striking “The death gratuity” and inserting “The amount of fallen hero compensation”.

(5) In section 1479(1), by striking “the death gratuity” and inserting “fallen hero compensation”.

(6) In section 1489—

(A) in subsection (a), by striking “a gratuity” in the matter preceding paragraph (1) and inserting “fallen hero compensation”; and

(B) in subsection (b)(2), by inserting “or other assistance” after “lesser death gratuity”.

(b) CLERICAL AMENDMENTS.—

(1) Such subchapter is further amended by striking “Death gratuity:” each place it appears in the heading of sections 1475 through 1480 and 1489 and inserting “Fallen hero compensation:”.

(2) The table of sections at the beginning of such subchapter is amended by striking “Death gratuity:” in the items relating to sections 1474 through 1480 and 1489 and inserting “Fallen hero compensation:”.

(c) GENERAL REFERENCES.—Any reference to a death gratuity payable under subchapter II of chapter 75 of title 10, United States Code, in any law, regulation, document, paper, or other record of the United States shall be deemed to be a reference to fallen hero compensation payable under such subchapter, as amended by this section.

SEC. 8122. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE”, up to \$3,000,000 may be used for research and development on the reliability of field programmable gate arrays for space applications.

SEC. 8123. *Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$1,000,000 may be used for Chemical Biological Defense Material Test and Evaluation Initiative.*

SEC. 8124. *Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$1,000,000 may be made available for an environmental management and compliance information system.*

SEC. 8125. *Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY", up to \$2,000,000 may be made available for medical advanced technology for applied emergency hypothermia for advanced combat casualty life support.*

SEC. 8126. (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 Committee 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.*

SEC. 8127. (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 equip-*

ment 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.*

SEC. 8128. 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).*

SEC. 8129. (a) PROHIBITION ON TRANSFER OF AUTHORITY ON TACTICAL UNMANNED AERIAL VEHICLES.—*None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.*

(b) EXTENDED RANGE MULTI-PURPOSE UNMANNED AERIAL VEHICLES.—*The Army shall retain responsibility for and operational control of*

the Extended Range Multi-Purpose (ERMP) Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8130. Of the amount appropriated in title III under the heading "OTHER PROCUREMENT, NAVY", up to \$2,000,000 may be made available for the Surface Sonar Dome Window Program.

SEC. 8131. 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.

SEC. 8132. 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.

SEC. 8133. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, ARMY", up to \$600,000 may be made available for removal of unexploded ordnance at Camp Wheeler, Georgia.

SEC. 8134. 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.

SEC. 8135. 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.

SEC. 8136. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$1,000,000 may be used for Combat Vehicle and Automotive Technology (PE#0602601A) for the Multipurpose Utility Vehicle.

SEC. 8137. Of the amount appropriated by this title under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$3,000,000 may be available for land attack technology for the Millennium Gun System.

SEC. 8138. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$2,000,000 may be used for Moldable Armor.

SEC. 8139. PILOT PROJECT FOR CIVILIAN LINGUIST RESERVE CORPS.—(a) IN GENERAL.—The Secretary of Defense, acting through the Chairman of the National Security Education Board, shall, during the 3-year period beginning on the date of enactment of this Act, carry out a pilot program to establish a civilian linguist reserve corps, comprised of United States citizens with advanced levels of proficiency in foreign languages, who would be available, upon request from the President, to perform translation and other services or duties with respect foreign languages for the Federal Government.

(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 in which proficiency by United States citizens is critical for the national security interests of the United States and the relative importance of such proficiency in each such language;

(2) identify United States citizens with advanced levels of proficiency in each foreign language identified under paragraph (1) 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 securing the performance of the services and duties referred to in subsection (a) by the citizens identified under paragraph (2); and

(4) invite individuals identified under paragraph (2) to participate in the civilian linguist reserve corps.

(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 program established under this section, the Secretary shall conduct a study of the best practices to be utilized in establishing the civilian linguist reserve corps, including practices regarding—

(1) administrative structure;

(2) languages that will be available;

(3) the number of language specialists needed for each language;

(4) the Federal agencies that 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 for the next 2 years, the Secretary shall submit to Congress an evaluation report on the pilot project conducted under this section.

(B) CONTENTS.—Each report 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 a civilian linguist reserve corps.

(f) FUNDING.—Of the amount appropriated under the heading "Operation and Maintenance, Defense-Wide" in title II, up to \$1,500,000 may be available to carry out the pilot program under this section.

SEC. 8140. (a) FUNDING FOR PARTICIPATION OF VET CENTERS IN TRANSITION ASSISTANCE PROGRAMS.—Of the amounts appropriated or otherwise made available by this Act, up to \$5,000,000 may be used for the participation of Vet centers in the transition assistance programs of the Department of Defense for members of the Armed Forces.

(b) VET CENTERS DEFINED.—In this section, the term "Vet centers" means centers for the provision of readjustment counseling and related mental health services under section 1712A of title 38, United States Code.

SEC. 8141. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE", up to \$2,500,000 may be available for advanced technology for IRCM component improvement.

SEC. 8142. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY" and available for demonstration and validation, up to \$5,000,000 may be available for the Plasma Energy Pyrolysis System (PEPS), Operational Gasification unit.

SEC. 8143. Of the amount appropriated by this Act under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$5,000,000 may be available for the rapid mobilization of the New England Manufacturing Supply Chain Initiative to meet Department of Defense supply shortages and surge demands for parts and equipment.

SEC. 8144. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY", up to \$1,000,000 may be made available for Marine Corps assault vehicles for development of carbon fabric-based friction materials to optimize the cross-drive transmission brake system of the Expeditionary Fighting Vehicle.

SEC. 8145. Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY, up to \$2,000,000 may be used for Program Element #0603235N for the Shipboard Automated Reconstruction Capability.

SEC. 8146. (a) BLAST INJURY PREVENTION, MITIGATION, AND TREATMENT INITIATIVE OF THE ARMY.—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 Program Element #63002A for far forward use of recombinant activated factor VII.

SEC. 8147. Beginning with the fiscal year 2006 program year, the Secretary of the Air Force is strongly encouraged to 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 42 additional C-17 aircraft.

SEC. 8148. 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 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 matters 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).

SEC. 8149. (a) ARMY PROGRAMS.—Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to an additional \$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 an additional \$5,000,000 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 an additional \$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 an additional \$10,000,000 may be used for Program Element 0601120D8Z for the SMART National Defense Education Program; and

(B) up to an additional \$5,000,000 may be used for Program Element 0601101E for the Defense Advanced Research Projects Agency University Research Program in 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.

SEC. 8150. REPORT ON REVIEW AND IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON TRANSITION ASSISTANCE FOR MEMBERS OF THE NATIONAL GUARD AND RESERVES.—(a) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the review of, and actions taken to implement, the recommendations of the Comptroller General of the United States in the report of the Comptroller General entitled "Military and Veterans Benefits: Enhanced Services Could Improve Transition Assistance for Reserves and National Guard" (GAO 05-544).

(b) **PARTICULAR INFORMATION.**—If the Secretary has determined in the course of the review described in subsection (a) not to implement any recommendation of the Comptroller General described in that subsection, the report under that subsection shall include a justification of such determination.

SEC. 8151. Any limitation, directive, or earmarking contained in either the House of Rep-

resentatives 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.

SEC. 8152. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the use of ground source heat pumps at Department of Defense facilities.

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

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

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

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

SEC. 8153. (a) Of the amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY" up to \$1,500,000 may be available for research within the High-Brightness Electron Source program.

SEC. 8154. 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. 8155. 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 SUPERSEDITION.**—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.

SEC. 8156. 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.

SEC. 8157. 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) 1 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 dramatically 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.

SEC. 8158. Of the amount appropriated by title III under the heading “PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY”, up to \$5,000,000 may be used for the Arsenal Support Program Initiative for Watervliet Arsenal, New York.

SEC. 8159. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE”, up to \$4,000,000 may be used for Oral Anthrax/Vaccine Development.

SEC. 8160. (a) The Secretary of the Navy may, subject to the terms and conditions of the Secretary, 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.

SEC. 8161. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary’s jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8162. (a) IMPLEMENTATION OF LONG-RANGE WIRELESS 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 Long-Range Wireless telecommuni-

cations capabilities for the Gulf States and key entities within the Northern Command Area of Responsibility (AOR).

(b) IMPLEMENTATION OF LONG-RANGE WIRELESS 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).

SEC. 8163. (a) SUBMISSION OF PROCEDURES FOR COMBATANT STATUS REVIEW TRIBUNALS AND ADMINISTRATIVE REVIEW BOARDS TO DETERMINE STATUS OF DETAINEES AT GUANTANAMO BAY, CUBA.—Not later than 180 days after the date of enactment of this Act the President shall submit to the Congressional Defense Committees and committees on Judiciary in the House and Senate the procedures for the Combatant Status Review Tribunals and a noticed administrative review boards in operation at Guantanamo Bay, Cuba, for determining the status of the detainees held at Guantanamo Bay, including whether any such detainee is a lawful enemy combatant or an unlawful enemy combatant.

(b) PROCEDURES.—The procedures submitted to Congress pursuant to subsection (a) shall ensure that—

(A) In making a determination of status under such procedures, the Combatant Status Review Tribunal and annual review boards may not consider statements derived from persons that, as determined by the Tribunals or boards, by the preponderance of the evidence, were obtained with undue coercion.

(B) The Designated Civilian Official shall be an officer of the United States Government whose appointment to office was made by the President, by and with the advise and consent of the Senate.

(C) MODIFICATION OF PROCEDURES.—The President shall submit to Congress any modification to the procedures submitted under subsection (a) no less than 30 days before the date on which such modifications go into effect.

SEC. 8164. (a) ADDITIONAL AMOUNT FOR AIRCRAFT PROCUREMENT, AIR FORCE.—The amount appropriated under the heading “AIRCRAFT PROCUREMENT, AIR FORCE” is hereby increased by \$130,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount appropriated under the heading “AIRCRAFT PROCUREMENT, AIR FORCE”, as increased by subsection (a), \$130,000,000 shall be available for purposes as follows:

(1) Procurement of Predator 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 Ground Control Stations, spares, and signals intelligence packages.

(c) OFFSET.—(1) The amount appropriated by title II for Operation and maintenance, Air Force is hereby reduced by \$130,000,000.

SEC. 8165. SENSE OF SENATE ON TRANSFER OF FUNDS FOR INCREASED PERSONNEL STRENGTHS FOR THE ARMY AND MARINE CORPS.—(a) FINDINGS.—The Senate makes the following findings: (1) A long-term increase in the personnel end strengths for active duty personnel of the Army and the Marine Corps is necessary in order to carry out the current missions of the Army and the Marine Corps and to relieve current strains on Army and Marine Corps forces.

(2) The cost of the increase in such end strengths is foreseeable and should be included in the annual budget of the President for each fiscal year, as submitted to Congress pursuant to section 1105 of title 31, United States Code, in order to provide a full and honest accounting to the American people of the personnel costs of the Army and the Marine Corps.

(3) The inclusion in the annual budget of the President for each fiscal year of the costs of an increase in such end strengths will permit the Army and Marine Corps to plan for and accommodate the additional troops contemplated by such increased end strengths without reducing other important programs.

(b) SENSE OF SENATE.—It is the sense of the Senate that the additional amounts to be required for increases in the personnel end strengths for active duty personnel of the Army and the Marine Corps for fiscal year 2006 should be transferred from amounts appropriated by title IX for the Military Personnel, Army, Military Personnel, Marine Corps, Operation and Maintenance, Army, and Operation and Maintenance, Marine Corps, and Operation and Maintenance, Defense-Wide, accounts to the amounts appropriated for the applicable accounts in titles I and II.

SEC. 8166. Of the amount appropriated by title III under the heading “OTHER PROCUREMENT, AIR FORCE”, up to \$3,000,000 may be made available for the Laser Marksmanship Training System.

SEC. 8167. 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.

SEC. 8168. 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”.

SEC. 8169. Of the amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to \$1,000,000 may be used for Integrated Starter/Alternator for Up-Armored High Mobility Multi-Wheeled Vehicles.

SEC. 8170. AVAILABILITY OF AMOUNT.—Of the amount appropriated by title II under the heading “OPERATION AND MAINTENANCE, DEFENSE-WIDE”, up to \$60,000,000 may be made available as follows:

(A) Up to \$50,000,000 may be made available for childcare services for families of members of the Armed Forces.

(B) Up to \$10,000,000 may be made available for family assistance centers that primarily serve members of the Armed Forces and their families.

(b) NATIONAL GUARD COUNTERDRUG SUPPORT ACTIVITIES.—

(1) AVAILABILITY OF AMOUNT.—Of the amount appropriated by title VI under the heading “DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES”, up to \$40,000,000 may be available for the purpose of National Guard counterdrug support activities.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (2) for the purpose specified in that paragraph is in addition to any other amounts available under title VI for that purpose.

SEC. 8171. 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.

SEC. 8172. INCREASE IN RATE OF BASIC PAY OF THE ENLISTED MEMBER SERVING AS THE SENIOR ENLISTED ADVISOR FOR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—(a) INCREASE.—Footnote 2 to the table on Enlisted Members in section 601(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136; 37 U.S.C. 1009 note) is amended by striking “or Master Chief Petty Officer of the Coast

Guard" and inserting "Master Chief Petty Officer of the Coast Guard, or Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff".

(b) PERSONAL MONEY ALLOWANCE.—

(1) ENTITLEMENT.—Section 414(c) of title 37, United States Code, is amended by striking "or the Master Chief Petty Officer of the Coast Guard" and inserting "the Master Chief Petty Officer of the Coast Guard, or the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on April 1, 2005.

SEC. 8173. SUPPORT FOR YOUTH ORGANIZATIONS.—(a) SHORT TITLE.—This Act 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."

SEC. 8174. (a) There are appropriated out of the Employment Security Administration account of the Unemployment Trust Fund, \$14,000,000 for authorized administrative expenses.

(b) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Office of the Inspector General of the Department of Health and Human Services \$5,000,000 for oversight activities related to Hurricane Katrina.

(c) The amounts appropriated under subsection (a) and (b)—

(1) are designated as an emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress); and

(2) shall remain available until expended.

TITLE IX—ADDITIONAL WAR-RELATED APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$5,009,420,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$180,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$455,420,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$372,480,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$121,500,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$10,000,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$232,300,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$5,300,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$21,915,547,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$1,806,400,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,275,800,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$2,014,900,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$980,000,000, of which up to \$195,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$53,700,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$9,400,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$27,950,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$7,000,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$201,300,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$13,400,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", \$4,100,000,000, to remain available for transfer until September 30, 2006, only to support operations in Iraq or Afghanistan and classified activities: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; the Defense Health Program; and working capital funds: Provided further, That of the amounts provided under this heading, \$2,850,000,000 shall only be for classified programs, described in further detail in the classified annex accompanying this Act: Provided further, That \$750,000,000 shall be available for the Joint IED Defeat Task Force: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$348,100,000, to remain available until September 30, 2008.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$80,000,000, to remain available until September 30, 2008.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$910,700,000, to remain available until September 30, 2008.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$335,780,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$3,916,000,000, to remain available until September 30, 2008.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$151,537,000, to remain available until September 30, 2008.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$56,700,000, to remain available until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$48,485,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$116,048,000, to remain available until September 30, 2008.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$2,303,700,000, to remain available until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$118,058,000, to remain available until September 30, 2008.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$17,000,000, to remain available until September 30, 2008.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$17,500,000, to remain available until September 30, 2008.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$132,075,000, to remain available until September 30, 2008.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "NATIONAL GUARD AND RESERVE EQUIPMENT", \$1,300,000,000, to remain available until expended: Provided, That the amount available under this heading shall be available for homeland security and homeland security response equipment; Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of the conference report to accompany S. Con. Res. 95 (109th Congress).

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$72,000,000, to remain available until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$17,800,000, to remain available until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$2,500,000, to remain available until September 30, 2007.

REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$2,716,400,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-drug Activities, Defense", \$27,620,000.

GENERAL PROVISIONS, TITLE IX

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2006, unless otherwise so provided in this title.

SEC. 9002. Notwithstanding any other provision of law or of this Act, funds made available in this title are in addition to amounts provided elsewhere in this Act.

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$2,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. Notwithstanding any other provision of law, from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed \$500,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to the New Iraqi Army and the Afghan National Army to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, training and funding: Provided further, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense shall notify the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate not less than 15 days before providing assistance under the authority of this section.

SEC. 9007. (a) From funds made available in this title to the Department of Defense, not to exceed \$500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling 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, and to fund 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).

SEC. 9008. Amounts provided in this title for operations in Iraq and Afghanistan may be used by the Department of Defense for the purchase of heavy and light armored vehicles for force protection purposes, notwithstanding price or other limitations specified elsewhere in this Act, or any other provision of law: Provided, That the Secretary of Defense shall submit a report in writing no later than 30 days after the end of each fiscal quarter notifying the congressional defense committees of any purchase described in this section, including the cost, purposes, and quantities of vehicles purchased.

SEC. 9009. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9010. (a) Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2006, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) The report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) In specific, the report requires, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2006.

SEC. 9011. Congress, consistent with international and United States law, reaffirms that torture of prisoners of war and detainees is illegal and does not reflect the policies of the United States Government or the values of the people of the United States.

SEC. 9012. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government cost.

SEC. 9013. Amounts appropriated or otherwise made available in this title are designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

This Act may be cited as the "Department of Defense Appropriations Act, 2006".

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. If I may have a moment, I thank our staff for their dedication and hard work putting this bill together. I point out to the Senate the

people I am going to name are our staff. They work with both Senator INOUE and me. We work as a seamless team in the subcommittee: Sid Ashworth, Charlie Houy, Lesley Kalan, Brian Wilson, Brian Potts, Kate Kaufer, Mark Hoaland, Alycia Farrell, Katy Hagan, Betsy Schmid, Nicole DiResta, Mazie Mattson, Janelle Treon, Kate Fitzgerald, Jennifer Chartrand.

Let me recognize a very dedicated, wonderful staff person of our subcommittee, Mazie Mattson, who is now going to retire after 25 years of working for Congress. This is Mazie's final Defense bill. We are extremely grateful to her for her sincere loyalty and tireless efforts and very gracious support she provided to each and every one of us on both sides of the aisle on our subcommittee. She will be greatly missed. We wish her family and her husband, Bill, all the best. We thank you very much, Mazie. Thank you very much.

The PRESIDING OFFICER (Mr. ISAKSON). The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Without objection it is so ordered.

The PRESIDING OFFICER appointed Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mrs. HUTCHISON, Mr. BURNS, Mr. INOUE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, and Ms. MIKULSKI conferees on the part of the Senate.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—CONFERENCE REPORT

Mr. FRIST. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of the conference report to accompany H.R. 2360, the Homeland Security appropriations bill. I further ask consent that there be 30 minutes of debate equally divided, and following the use or yielding back of time, the Senate proceed to a vote on adoption of the conference report, with no intervening action or debate.

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

The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360) "making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes," having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to