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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 8, 2004, at 12:30 p.m.

Senate

MONDAY, JUNE 7, 2004

The Senate met at 1:31 p.m. and was called to order by the President pro tempore [Mr. STEVENS].

PRAYER

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

Let us pray.

Almighty God, generous giver of wonderful gifts, thank You for the life of former President Ronald Wilson Reagan and for the gift of talented leaders. We praise You for people with vision who see things that are not and ask, why not. Thank You for visionaries who call us out of the night of selfish living to the sunrise of sacrifice and service. Help us to celebrate the lives of faithful leaders while they can still hear our appreciation.

Thank You for the Members of Congress who provide stellar leadership. Keep them from evil and infuse them with a spirit of kindness.

As death reminds us of life's brevity, we turn our eyes toward You, O God. You are our refuge and strength and not even death can separate us from Your love. We pray in Your changeless Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today is a solemn day. In fact, this is a solemn week for the Senate as well as the entire country, as we pay special tribute to the life and to the Presidency of the late Ronald Reagan, the 40th President of the United States.

Many Members are asking about the schedule for this week and when they may have the opportunity to make appropriate remarks. In light of the events surrounding this occasion, I do not expect the Senate to conduct normal business this week. I believe we should postpone the scheduled votes in relation to Defense authorization until next week. This week we will have several resolutions relating to the passing of President Reagan. In a moment we will pass the first of these resolutions.

Members should be aware that although we will not be voting in relation to the Defense bill, rollcall votes may be scheduled this week in relation to the various resolutions scheduled over the course of the week saluting the life and legacy of Ronald Reagan. No votes will occur prior to 2:15 p.m. on Tuesday in any event. I will have more to say on the voting schedule later today.

In addition, we will have extended morning business periods through Wednesday to accommodate Senators who desire to speak.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that the order providing for the consideration of the Defense authorization bill for today be vitiated and that the Senate continue in a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

FILING OF AMENDMENTS

Mr. FRIST. Mr. President, I further state that the filing deadline for amendments will remain in place for 5 p.m. today.

AUTHORIZATION FOR THE LYING IN STATE OF THE LATE RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 115 which is at the desk.

The PRESIDENT pro tempore. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 115) authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Ronald Wilson Reagan, 40th President of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

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

The concurrent resolution (S. Con. Res. 115) was agreed to, as follows:

S. CON. RES. 115

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation and to the world, by the late Ronald Wilson Reagan, the 40th President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from June 9 until June 11, 2004, and the Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

Mr. FRIST. Mr. President, this week we mourn the passing of Ronald Wilson Reagan, the 40th President of the United States. My wife Karyn and I, and indeed the entire Senate family, extend our deepest sympathies to his beloved Nancy and the entire Reagan family. More than 15 years have passed since Ronald Reagan gave his final cheerful salute as President of the United States. He left the Oval Office with the highest approval rating since Franklin Delano Roosevelt.

Ronald Reagan had restored our confidence and our optimism in what it meant to be an American. The countless tributes and recollections of the past few days have brought forth a flood of memories, not only of his extraordinary leadership but of his truly exceptional character. We remember Ronald Reagan and love him as we did the day he left the highest post in the land. We feel a strong personal and unbreakable connection with our 40th President.

Some attribute Ronald Reagan's ability to connect with the American people to his abilities as an actor. No politician was better or more comfortable around the camera. When he looked into the lens, he was looking directly into the eyes of the American people. His timing was flawless, and he had a soft touch that could disarm even his most stubborn political opponents.

After being wounded by an assassin's bullet as he lay on a hospital gurney drifting towards unconsciousness, Ronald Reagan quipped to his beloved Nancy:

> Honey, I forgot to duck.

So many stories like this remind us that Ronald Reagan was a man of remarkable courage, coupled with boundless good humor. There was more to him than what he said and how he said it, as there was more to Abraham Lincoln than his stirring speeches, and more to Franklin Roosevelt than his fireside chats. Ronald Reagan believed in what he said, and that conviction came through. He believed there is good and evil in the world and that America stands for the good. He believed we must protect freedom wherever it may be threatened and plant its seeds wherever freedom may take root. He believed democracy to be not the privilege of a fortunate few but the rightful and ordained destiny for all mankind.

At the 1992 Republican convention in Houston, TX, he expounded on these beliefs, telling the American people:

> Whether we come from poverty or wealth, whether we are Afro-American or Irish-American, Christian or Jewish, from big cities or small towns, we are all equal in the eyes of God. But as Americans, that is not enough; we must be equal in the eyes of each other.

There was one thing—second only to the Almighty—in which he had more faith than all else, and that was the American people. We trusted Ronald Reagan, we respected Ronald Reagan, we loved Ronald Reagan, because he trusted, respected, and loved each and every one of us.

This week we will bear witness to a rare and extraordinary tribute to one of our greatest leaders. Half-masted flags will snap in the wind. Cannons will pound the air with salutes. And a horse-drawn caisson will solemnly pull the flag-draped casket of Ronald Wilson Reagan up to the Hill of our Capital City.

Americans will line up by the thousands to pause at his side, bow their heads, and pay their final respects. Hundreds of leaders will gather at the National Cathedral to show their deep appreciation of a grateful Nation and a grateful world, and on Friday, when President Reagan is laid to rest, each of us will give a moment of our day to remember a man who gave us his very best.

All of this is right and fitting. This is how we honor the lives of great leaders whom we love. But our tribute to Ronald Reagan must be more than a passing historical moment. Although we say goodbye to the man, we must never say goodbye to his values. Let this week reaffirm the goodness of our Nation. Let it reaffirm our faith in freedom. Let it reaffirm democracy as the destiny of all mankind. And let our fond memories, our deep affection and regard for Ronald Wilson Reagan reaffirm that we believe, above all, in ourselves as Americans.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from North Carolina is recognized.

Mrs. DOLE. Mr. President, this past weekend we lost one of Americans greatest leaders, Ronald Reagan. I had the privilege of serving under President Reagan's strong, principled leadership for 7 years—2 years in his White House as assistant to the President, or public liaison, and almost 5 years as his Secretary of Transportation.

Greatness in a President is marked by the ability to chart and implement a new course, a better course, and by his level of decency and integrity. Ronald Reagan knew why he wanted to be President. He came to office with the clearest of vision, a passion for achieving his goals and in conveying them with an eloquence almost unsurpassed.

Ronald Reagan made all of us, the American people, believe in ourselves again. He literally changed the world. Despite conventional wisdom, he determined that communism had to be defeated, not tolerated. He rejected the Iron Curtain, rejected the status quo, and his legacy to the world is freedom. His strength of character and bedrock belief in right and wrong ended the cold war, and his leadership unshackled the yoke of tyranny for millions upon millions of people who had known only oppression.

I will always remember his remarkable rapport with the American people and what a true gentleman he was. During my time on his White House staff, I brought scores and scores of people, organizations, and groups into the Oval Office, the Cabinet Room, the Roosevelt Room, and he treated every person with courtesy and respect. Occasionally, there would be some who had a difference of view with him on some issue or another, and they were going to give him a piece of their mind. Well, they came into his presence and you could almost see that anger just fading away. He would express his views, he would address their concerns, and then he might sit back and tell them a story or two—perhaps a humorous one—and maybe pass jellybeans around. They would be ready to climb any hill for Ronald Reagan. When the President would explain his position, obviously, he did it in a very eloquent manner.

What a remarkable person his wife Nancy is. What a tremendous partner. She was his best friend, his confidant, his trusted, beloved spouse. She deserves great credit for his accomplishments and hers.

When I left the Cabinet, a farewell function was planned, and we talked about the fact that it would be nice to invite to that farewell party people who would not otherwise be able to meet the President of the United States. He readily agreed.

I can remember one young woman from Arkansas. She was a part of the Make a Wish group. She had a terminal illness and her great desire was to meet President Ronald Reagan. I can still see her there in the White House and the compassionate way in which he greeted her and talked with her.

There was a young man named Tommy, from my hometown of Salisbury, NC, who was in a wheelchair; he had to wear a helmet most of the time because if he were to fall, it would be very severe. His mother and his uncle very tenderly brought him to Washington to carry out his wish to meet the great Ronald Reagan, President of the United States. Once again, to watch the President and his compassion as he talked with Tommy is something I will remember forever.

One of the things that will really be an inspiration to me for the rest of my life is a conversation I had with the

President when the two of us were alone. We were waiting in the holding room for him to give a speech. You don't often find yourself alone with the President of the United States. On this particular day, we were waiting for a speech and I said: Mr. President, I just cannot resist. I have to ask you how in the world, when you have the weight of the world on your shoulders, are you able to be so gracious, so thoughtful, and so kind? I never see you flustered or frustrated. How do you do it with such weight on your shoulders?

He kind of leaned back, and he loved to tell a story and to reminisce. He said: Well, Elizabeth, when I was Governor of California, it seemed like every day yet another disaster would be placed on my desk, and I had the urge to hand it to someone behind me to help me. One day I realized I was looking in the wrong direction; I looked up instead of back. I am still looking up. I don't think I could go 1 more day in this office if I didn't know that I could ask God's help and it would be given.

There is no doubt in my mind that President Reagan was welcomed into the gates of Heaven with open arms and with the words: Well done, good and faithful servant. Well done, indeed.

God bless President Ronald Reagan and his family, and God bless this great land of the free, America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. ALEXANDER. Mr. President, a few years ago when Ronald Reagan was President of the United States, he attended one of the many press dinners which are held. I think it was the gridiron dinner. I think it is well known that maybe 90 percent of the press corps in Washington had a different point of view on issues than President Reagan did, but they liked him anyway, and they respected him and he had fun with them, just as they did with him.

I remember on that evening he strode into the gridiron dinner looking like a million dollars, smiling big. The press rose, smiling back, applauding. He stood in front of them until it subsided, and then he said to his adversaries in the media: Thank you very much. I know how hard it is to clap with your fingers crossed. And they laughed, and they had a wonderful time with President Reagan.

The first thing we think about, those of us who had any opportunity to get to know him—a great many of us—was that Ronald Reagan was a very friendly man. He was a congenial person, an easy person to know, the kind of person you want to spend a lot of time with, if you had the opportunity, and that what you saw in private was what everyone else saw in public.

Howard Baker, the former majority leader of the Senate when Ronald Reagan was President, got to know him especially well, and then in 1987, President Reagan invited former Senator Baker to come to be his Chief of Staff, which he was for nearly 2 years.

I remember Senator Baker telling me that, to his surprise, when his 9 a.m. meetings came every morning with President Reagan, he discovered that Mr. Reagan had a funny little story to tell to Senator Baker, his Chief of Staff. What surprised Senator Baker even more was President Reagan expected Senator Baker to have a funny little story to tell back. So for that whole 2 years, virtually every morning at 9 a.m. when the President of the United States and the Chief of Staff of the White House met, they swapped funny little stories. It is very reassuring to me that two men who have maybe the two biggest jobs in the world were comfortable enough with themselves, each other, and their responsibilities to begin the day in that sort of easy way. That is the part of Ronald Reagan we think more about.

Another part of Ronald Reagan which I think is often overlooked is that he was a man of big ideas. I would say intellectual, although I guess there is a little difference between being devoted to ideals and being intellectual but not much difference.

Unlike most people who are candidates for President of the United States, Ronald Reagan wrote many of his own speeches. When he had a few minutes, he would sit in the back of a campaign airplane and make notes on cards in the shorthand that he had. His former aide, Marty Anderson, has written a book about that and told that, to a great extent, Ronald Reagan's words were his own words, ideas he expressed or ideas he gathered himself and ideas he had thought through and wanted to promulgate.

Maybe that is partly why he seemed so comfortable with himself when he finally entered public life. He came to it late in life. He was age 55 when he became Governor of California, so by then he knew what he thought, and he had a sense of purpose, and he knew what he wanted to do.

I got an idea of that kind of big thinking when I went to see President Reagan in my second year as Governor—third year, I guess it was, his first year as President in 1981. I talked to him about a big swap which I thought would help our country.

I suggested: Mr. President, why doesn't the Federal Government take over all of Medicaid and let the State and local governments take over all responsibility for kindergarten through 12th grade? That would make it clear, I said, where the responsibility lies. You cannot fix schools from Washington, and it would make more efficient our health care system if we did things that way. He liked the idea. It fit his unconventional brand of thinking. He advocated it. It was a little too revolutionary for most people in Washington in the early 1980s.

He had the same sort of unconventional attitude toward national defense policy. Many people overlooked the fact that Ronald Reagan did not just want us to have as many nuclear weapons as the Soviet empire did, he wanted to get rid of nuclear weapons. He saw them as wrong, as bad, and he wanted a world without nuclear weapons. Instead of mutual assured destruction, which was the doctrine at the time, he built up our strength so we could begin to reduce nuclear weapons and then unilaterally begin to do it before the Soviets did, hoping they would then follow. We can see the results.

At the time, some people said Ronald Reagan was naive to think we could transfer power from Washington, from an arrogant empire, at home or naive to think we could face down an evil empire abroad, and especially naive to think our policy should be based upon getting rid of nuclear weapons. It turned out Ronald Reagan saw further than most of those critics did.

Perhaps his most famous speech, not my favorite speech—my favorite speech is the one we heard a lot about this weekend, 20 years ago at Normandy, which moved the whole world to tears and reminded Americans why we are Americans and what we fought for—but his most famous speech may be the one in 1987 at the Brandenburg Gate in Berlin where he said:

Mr. Gorbachev, tear down this wall.

Earlier this year, I visited Berlin with John Kornblum who at the time was U.S. minister and deputy commandant in the American sector of West Berlin where tanks challenged tanks and white crosses marked grave sites of those who were killed trying to escape over the wall from East Berlin. Mr. Kornblum talked about the development of that speech that Ronald Reagan gave that day. Those words, or the thought, ''tear down this wall,'' went into the speech at an early stage. Some fought to keep it in. Many fought to take it out. Those who had thought Ronald Reagan was wrong to say the Soviet Union was an evil empire were not anxious for him to say:

Mr. Gorbachev, tear down this wall.

Some suggested that President Reagan try his hand at German as President Kennedy had in a memorable speech at the Berlin Wall in the early 1960s. Some suggested that the speech should not be made at the Brandenburg Gate. That was too provocative, Mr. Kornblum remembers. But the speech was made at the Brandenburg Gate, and Mr. Reagan did keep his words in that speech. He did make his point, and his point was clear:

Mr. Gorbachev, tear down this wall.

For those of us who had a chance to see the new countries of Eastern Europe and their enthusiasm for freedom

and for a free market system, we can see the legacy of Ronald Reagan and his unconventional thinking.

So I think it is important for us to remember that this genial President was a man of ideas, of all the Presidents I have worked with, as much a man of ideas as any one of those Presidents.

Ronald Reagan also taught us something about leadership. I recall in 1980 when he and Mrs. Reagan visited the Tennessee Governor's mansion during the Presidential campaign. I had not known him very well. He had served as Governor. He was several years older. He was from the West. It was really my first chance to meet him.

After 1 hour or an hour and a half of breakfast with him the next morning, I remember going away thinking this man has a better concept of the Presidency than anyone I have ever been privileged to meet.

Ronald Reagan understood what George Reedy said in his book, ''The Twilight of the Presidency,'' is the definition of Presidential leadership: No. 1, see an urgent need; No. 2, develop a strategy to meet the need; and, No. 3, persuade at least half the people that you are right.

Ronald Reagan was as good as anyone at persuading at least half the people that he was right. He taught that and he also taught us the importance of proceeding from principles.

Sometimes we are described in Washington these days as being too ideological, too uncompromising, too partisan. President Reagan was a principled man. He operated from principles in all of his decisions, insofar as I knew. He advocated his principles as far as he could take them, but he recognized that the great decisions that we make here are often conflicts between principles on which all of us agree. It might be equal opportunity versus the rule of law. And once we have argued our principle and the solution, and strategy has been taken as far as it could go, if we get, as he said 75, 80, or 85 percent of what we advocated, well, then that is a pretty good job.

So he was very successful because he argued from principles. He argued strenuously. He was good at persuading at least half the people he was right. Then he was willing to accept a conclusion because most of our politics is about the conflict of principles.

There is another lesson that he taught us, and that was to respect the military. Now, that seems unnecessary to say in the year 2004 where we have a volunteer military that is better than any military we have ever had in our history; when we have witnessed the thousands of acts of courage, charity, kindness, and ingenuity in Iraq and Afghanistan recently; when the men and women of our National Guard and Reserves are also being called up. We have a lot of respect for our military.

In 1980, we were showing a lot less respect for the men and women of our military. I remember riding with President Reagan in a car in Knoxville during the 1980 campaign. As we pulled out of the airport by the National Guard unit, there were a number of the soldiers waving at him, understanding and sensing that he respected them. He turned to me and said something like this: I wish we could think of some way to honor these men and women more. He said: We used to do that in the movies in the 1930s and 1940s. We would make movies honoring men and women in the military and that is how we showed our respect for them.

Well, he did find a way to honor them during his Presidency in the 1980s, and by the time he left at the end of that decade there was no question but that the American people remembered to honor the men and women in the military.

There is one other aspect of President Reagan's leadership that I would like to mention, which is probably the most important aspect of the American character, and that is the belief that anything is possible. The idea that we uniquely believe in this country, and people all around the world think we are a little odd for believing it, is that no matter where you come from, no matter what race you are, no matter what color your skin, if you come here and work hard, anything is possible.

That is why we subscribe to ideals such as all men are created equal, even though we know achieving that goal will always be a work in progress and we may never reach it. That is why we say we will pay any price, bear any burden, as President Kennedy said, to defend peace, even though we know that is a work in progress and we may never reach it.

That is why we say more recently we want to leave no child behind when it comes to learning to read. We know that is a work in progress and we may not reach it, but that is our goal.

We Americans say that anything is possible, and nothing symbolizes that more than the American Presidency. And no President has symbolized that more in the last century than Ronald Reagan. He has reminded us of what it means to be an American. He lifted our spirits, he made us proud, he strengthened our character, and he taught us a great many lessons.

HONORING THE 278TH ARMORED CAVALRY REGIMENT

Mr. ALEXANDER. I rise today to comment on some of those military men and women that President Reagan felt so strongly about. On Saturday, I went to Knoxville, TN, for the casing of the colors of the 278th Armored Cavalry Regiment. Four thousand troops, the largest unit in the Tennessee National Guard, are being sent to Mississippi for training, then to California and then, just before Christmas, to Iraq. This was a large number of men and women from across Tennessee, mostly east Tennessee. While their command headquarters are in Knoxville, their squadron headquarters are in Athens, Cookeville, and Kingsport. The whole community had organized a tremendous day of celebration and parade to honor these men and women.

Randy Tyree, the former mayor of Knoxville, was the master of ceremonies. Joe Alexander was the parade chairman. The East Tennessee Veterans Memorial Association was the event sponsor. It was a bright, sunny day. It came during a week we had filled with honoring the men and women in our military. Earlier in the week was Memorial Day and before that the opening of the World War II memorial. The week ended with the celebration of the 60th anniversary of D-day, honoring those military heroes of the past.

But Saturday was not about the past. The men and women we honored in Knoxville, TN, on Saturday live among us. We know them. We see them in those communities every day. They are members of the Knox County Sheriff's Office. They include McMinn County school superintendent John Fogerty. They are Casey Boring, Tony Loveday, Kevin Fuller, Roger Lawson, and Randy Cruz all from Blount County, my home county's sheriff's office. They are our fathers, brothers, sons, sisters, and daughters. They are not all 24 or 26 or 30 years old either. They are in their thirties and their forties. Some are in their fifties.

Jim Leinart is an Anderson County deputy who fought in Vietnam and is a grandfather. He is a part of the 278th and is heading to Iraq, a month after he was supposed to have retired from the military. He is a tank mechanic, and he and nearly 4,000 other members of the 278th leave June 14 for Mississippi for training.

This is what he had to say about it:

> Right after I got that alert, I figured out I wasn't going to be able to retire. I kind of dread it in a way and kind of look forward to it in a way. It'll be different; an adventure in another country.

The families there, and the men and women in the 278th, all knew the truth. They are not going to Iraq and Afghanistan for support activities. They will be the first National Guard unit from Tennessee in a long time to be on the front lines, to be combat troops. But there was not a word of complaint that day, and the men looked forward to that.

This unit has a fantastic history. The 278th traces its roots to the American Revolution in what may have been the first early American war of preemption. A British colonel named Patrick Ferguson on the eastern side of the Great Smokey Mountains sent word across the mountains to Tennessee that the mountaineers should lay down their arms or the British would come across the mountains and arrest them and hang their leaders.

This angered the mountaineers so they gathered, in October of 1789 near Watauga, TN, near Sycamore Shoals. They marched across the mountains to

find this general who sent this warning, killed him, won that battle, destroyed the left wing of Cornwallis' army and, according to President Theodore Roosevelt, changed the course of the Revolutionary War. These militiamen were the early members of the 278th.

At the ceremony on Saturday, MAJ Charles R. Southerland, who is Adjutant of the 278th ACR, gave a beautiful speech, setting out the history of the 278th and its significance.

I ask unanimous consent to have the text of Major Southerland's address, as well as a story from the Knoxville News Sentinel of Saturday, June 5, about Anderson County Deputy Jim Leinart to be printed in the RECORD.

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

ADDRESS GIVEN ON 5 JUNE 2004 BY MAJOR CHARLES R. SOUTHERLAND, ADJUTANT OF THE 278TH ACR, FOR THE PARADE IN KNOXVILLE, TN

Today the 278th Armored Cavalry Regiment writes another page in our rich history of military service for Tennessee. In 1780, Colonel John Sevier called for 100 good men and 200 men answered the challenge. Tennessee has been known as the Volunteer State ever since. The 278th ACR is the only enhanced Armored Cavalry Regiment within the National Guard, and one of only two Armored Cavalry Regiments in the United States Army.

The history of the 278th Armored Cavalry Regiment began before the American Revolution when local militia units formed throughout communities in East Tennessee. These units were organized to protect the early settlers in Tennessee from the Creek and Cherokee Indians who often raided settlements in East Tennessee. Once these militia units were formed, the Indian raids subsided and life on the Tennessee frontier settled down.

During the American Revolution, these militia units joined along the Nolichucky River in East Tennessee under the command of Colonel John Sevier to form a mounted Militia Company of east Tennesseans. They formed with other ''Over the Mountain Men'' and defeated a superior British force under the command of General Patrick Ferguson in the Battle of Kings Mountain, North Carolina. The battle, fought on October 7, 1789, destroyed the left wing of Cornwallis' army and effectively ended the Loyalist in the Carolinas. The victory halted the British advance into North Carolina, forced Lord Cornwallis to retreat from Charlotte into South Carolina, and gave General Nathaniel Greene the opportunity to reorganize the American Army.

In 1796, Tennessee became the sixteenth state to join the union. Colonel John Sevier became the State's first governor. He organized the State's Militia into three brigades with the Third Brigade of the Militia in East Tennessee.

During the War of 1812 with Great Britain, Militia units from East Tennessee marched with General Andrew Jackson and fought engagements at Pensacola, Florida and defeated a superior English force on 8 January 1815 in New Orleans.

In 1846, a call went out for 2,800 Volunteers from the State of Tennessee to take part in the War with Mexico, 38,000 Tennesseans answered the call, sealing the Tennessee Militia the ever-lasting nickname of ''Volunteer.'' From that heritage, the 278th Armored Cavalry Regiment's motto ''I Volunteer Sir'' was derived.

The Third Brigade of the Tennessee Militia was absorbed into the National Guard of the United States on March 25, 1887 as the Third Tennessee Infantry Regiment with Headquarters in Knoxville, TN.

On 29 April 1977, the 278th Infantry Brigade was reorganized and re-designated the 278th Armored Calvary Regiment. Colonel Russell A. Newman was appointed as the 1st Colonel of the Regiment.

Today we will embark on yet another journey to answer our nations call to protect the freedom and quality of life for our families, communities and the citizens of our great nation. The Casing of the Regimental Colors today symbolizes the end of our current mission in the State of Tennessee. The colors represent the soldiers, past and present, which comprise the Regiment and are the physical symbols of its spirit, tradition and lineage. The act of casing the colors is symbolic of the Regiment's upcoming journey and expresses our rich heritage and the heroism of our forefathers. The Regimental Colors will be uncased again when the Regiment arrives at our new location as we begin our next mission. This tradition carries on our wiliness to preserve the rights and privileges of our great nation and our resolve against terrorism. Today is one step in our journey to a foreign land with our Regimental Colors encased during this transition and will be soon unfurled to fly freely in our new location with the gesture of freedom and the future for that area. The pride and love we have for our families and the state of Tennessee will go with us as we take this journey and we will return with a richer and more affluent value for these people and places in our hearts. We look forward to the part of the journey that will return us back here to Knoxville and the uncasing of our Regimental Colors with the knowledge that we made a difference.

The Regimental Command Sergeant Major, who is in charge of the Colors, will case the Colors on command from the Regiment's 8th Commander, Colonel Dennis J. Adams.

[From the News Sentinel, June 5, 2004]

ANDERSON DEPUTY'S PLANS FOR RETIREMENT PUT ON BACK BURNER

(By Bob Fowler)

CLINTON.—An Anderson County deputy who fought in Vietnam and is a grandfather is heading to Iraq—a month after he was supposed to have retired from the military.

Shift Supervisor Jim Leinart is one of five Anderson County Sheriff's Department officers—three of them in leadership positions—who will begin an 18-month deployment June 14.

Their departures create a huge void in the already short-staffed sheriff's department that will likely delay responses to non-emergency calls, Chief Deputy Lewis Ridenour said.

''Some calls may have to be prioritized,'' he said. ''It may also take away from proactive law enforcement.''

As for Leinart's upcoming duty in Iraq, ''I'm sure that's the last thing he was expecting, to be re-commissioned to a war 30 years after serving his country in Vietnam,'' Ridenour said.

Leinart is a 54-year-old resident of the tiny, remote Briceville community, tucked into the mountains of Anderson County near Lake City.

He has four children and eight grandchildren and is a member of Troop B of the National Guard's 278th National Armored Cavalry Regiment.

A tank mechanic, he and nearly 4,000 other members of the 278th will leave June 14 for Camp Shelby in Mississippi for training. They'll be on the way to Iraq in the fall.

For Leinart, his upcoming tour of duty is tinged with irony: He was supposed to have retired May 16 from the National Guard.

But that retirement was put on hold in March when he was placed on ''stop-loss,'' the military's term for stopping a soldier from leaving the military during an operation.

''Right after I got that alert, I figured out I wasn't going to be able to retire,'' said Leinart, a burly man with a quick wit, ready laugh and a neatly trimmed moustache fading to gray.

''I kind of dread it in a way and kind of look forward to it in a way,'' Leinart said. ''It'll be different; an adventure in another country.''

He said he and his wife, Joyce, a dispatcher with the county's 911 emergency communications center, are preparing for his departure.

''I'm getting all the stuff done around the house that needs to be done,'' he said.

His wife, their children and grandchildren ''are accepting it, but they don't like it,'' Leinart said of his marching orders.

Leinart joined the army when he was 17 and was shipped out to Vietnam shortly after his 18th birthday. He said he was stationed next to Saigon in 1967–68 and was involved in the Tet Offensive, when the Vietcong staged simultaneous attacks on major South Vietnam cities in January 1968.

It was a time, he said, ''when there was a lot of confusion'' and when he was ''shot at a few times.''

After Vietnam, Leinart joined the Army Reserves in 1981 and transferred to the National Guard's 278th in 1988.

Ridenour said Leinart has been a shift supervisor in the sheriff's department for more than a year. ''It was apparent he was someone we wanted in a leadership role,'' Ridenour said. ''He's just the type of person who has that ability.''

Other shift supervisors who are headed to Iraq include Sgt. Chucky Beach and Sgt. David Davis. Deputies, Steve Alcorn and Daniel McFee are also on their way to Iraq.

Ridenour said even with the assignment changes made to fill in while the five men are in Iraq, the sheriff's department ''will still be short three people on a full-time basis.''

A school drug awareness program may be put on hold next year so the officer assigned to that job can go on patrol, Ridenour said.

Two drug enforcement officers have been placed on patrol, and a training officer will become a road deputy three days a week, he said.

''It's going to be a very big problem for us, but these guys are making a bigger sacrifice than we are,'' Ridenour said of the five National Guardsmen.

Mr. ALEXANDER. The men and women of the 278th are going across the ocean to fight for us so we can live safely at home. They are doing that the same way militiamen in Tennessee did more than 200 years ago, men who went across the mountains to fight for the settlers so they could live safely in the pioneer villages. What I said to them on Saturday in Knoxville I would like to say to them and to their families again today:

We are proud of you. We support you. We will pray for your safety, and we are grateful that you are going across the ocean to fight so we can be safe at home.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Mississippi.

TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

Mr. COCHRAN. Mr. President, with the death of President Ronald Reagan, our Nation has lost a very successful and inspirational leader. He led us to believe in ourselves and our system of Government, our market economy, and our ability to defend freedom and liberty against all threats.

President Reagan had a contagious sense of optimism. He believed deeply America was capable of solving our problems through our democratic process of self-government, and that other nations could do the same.

His greatest success was improving our economy and establishing a more peaceful and cooperative relationship with the former Soviet Union, in particular with the former Communist countries of Eastern Europe.

The Berlin Wall was a symbol of intransigent tyranny. He called for it to be torn down and it was, giving the people of Eastern Europe the opportunity for freedom and hope for a brighter future. We will always remember President Reagan's great smile, his good humor, his sincerity, and his love of country. We are a better Nation and the world is a safer place because of Ronald Reagan.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDING THE CONTROLLED SUBSTANCES ACT TO LIFT THE PATIENT LIMITATION ON PRESCRIBING DRUG ADDICTION TREATMENTS BY MEDICAL PRACTITIONERS IN GROUP PRACTICES

Mr. COCHRAN. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 542, S. 1887.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1887) to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices and to amend the Controlled Substances Act, and so forth, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. COCHRAN. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The bill (S. 1887) was read the third time and passed, as follows:

S. 1887

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

SECTION 1. ELIMINATION OF THE 30-PATIENT LIMIT FOR GROUP PRACTICES.

Section 303(g)(2)(B) of the Controlled Substance Act (21 U.S.C. 823(g)(2)(B)) is amended by striking clause (iv).

Mr. LEVIN. Mr. President, this legislation, S. 1887, ensures that all appropriately trained group practice physicians may prescribe and dispense certain recently approved drugs for the treatment of heroin addiction. It addresses the unintended effect of the Drug Abuse and Treatment Act of 2000, DATA, that hinders access to new treatments for thousands of individuals who seek such help.

When Congress passed DATA as Title XXXV of the Children's Health Act of 2000, Public Law 106–310, it allowed for the dispensing and prescribing of Schedule III drugs, like buprenorphine/naloxone, in an office-based setting, for the treatment of heroin addiction. As a result of DATA, access to drug addiction treatment is significantly expanded; patients no longer are restricted to receiving treatment in a large clinic setting, but now may receive such care from specifically trained physicians in an office-based setting.

DATA limits qualified individual physicians to treating no more than 30 patients at a time. The interpretation of the law results in the same 30-patient limit on physician groups. For example, the physician members of the Duke University Medical School faculty practice plan may treat only 30 patients at one time, even though they may have ten individual physicians trained and willing to treat patients and more than 30 patients would benefit from newly available treatment. The difficulties that have arisen, including the dashed hopes for treatment of many, due to the patient limitation on group practices, are detailed in a May 30 article in the Boston Globe, by Peter DeMarco. I would like to share a few excerpts from that article with my Colleagues, as follows:

When buprenorphine became available as a treatment for OxyContin and heroin addiction 18 months ago, many medical professionals and addicts hailed it as a miracle drug, bringing addicts back from the brink and helping them lead normal lives when all else had failed. But for many addicts, buprenorphine remains one of the hardest drugs to obtain. Approved by the Federal Food and Drug Administration in 2002, buprenorphine is an opiate like heroin or the painkiller OxyContin. Unlike those drugs or methadone, the prescribed drug it's meant to replace, buprenorphine doesn't cloud the minds of patients, allowing them to work or study as if they're not on any drug at all. Nearly all who take buprenorphine, meanwhile, say they lose all physical cravings for street drugs.

But a combination of federal limits on the distribution of buprenorphine, and reluctance on the part of some physicians to offer it to patients has kept thousands of opiate addicts from receiving the drug in Massachusetts and across the country. At the heart of the issue is federal legislation passed in 2000—two years before the drug was approved by the FDA—that restricts individual clinical practices from treating more than 30 patients with buprenorphine at a time.

While many substance-abuse experts say the 30-patient figure is too low for some practices, their main quarrel with the Drug Addiction Treatment Act of 2000 is its failure to differentiate single-physician practices, hospitals, and health care organizations. For example, all the doctors who work for Tufts Health Plan can treat a combined 30 patients—the same total as can be seen by a physician practicing alone.

Boston health officials, along with their counterparts in the State and Federal governments, say the Federal legislation erred on the side of caution, and needs to be changed to allow wider access to buprenorphine.

''Boston Medical Center's main practice has 200 or more general internal-medicine doctors, and within that practice, we can only treat 30 people. It's the craziest loophole,'' said Colleen Labelle, nurse-manager of the hospital's Office-Based Opioid Treatment Program. ''We get 20 calls a day from across the state. People are begging, desperate to get treated, who we can't treat.''

The Federal Substance Abuse and Mental Health Services Administration has begun an internal process to increase the 30-patient cap. But because any proposed change would be subject to the public-review process, approval could take as long as two years, said Nick Reuter, a senior public health analyst with the agency.

It clearly was not the intention of DATA that individuals seeking treatment have less access to new medications simply because they receive care from a physician practicing in a group, or from a group-based or mixed-model health plan. Nevertheless, this is the is the effect and it is having a severe effect. The problem is addressed by removing the 30-patient aggregate limit on medical groups. The patient limitation would remain on individual treating physicians. This is achieved in the bill, S. 1887, which I introduced along with Senators HATCH and BIDEN. It simply removes the statutory limit on the number of patients for whom doctors in medical groups may prescribe certain newly available, FDA-approved medications to treat heroin addiction.

I would like to close with another excerpt from Mr. DeMarco's article regarding the positive impact buprenorphine treatment has had on an individual who was fortunate enough to seek and help and not be turned away. It is as follows:

Timothy Tigges says his addiction began after he wrenched his back and bummed a few Percocet pills, a prescription analgesic, from a friend to dull the pain. Before he knew it, he was hooked on opiates, alternating between OxyContin and shooting up heroin as his life went to pieces.

In October, Tigges, a 27-year-old East Boston carpet installer, began taking buprenorphine, placing an orange pill the size of a dime under his tongue until it dissolves, four times daily. He hasn't touched an illegal drug since the day he started the program, has put on 80 pounds from lifting weights at the gym, and has yet to miss a day of work. For the first time in three years, Tigges hopes to see his 5-year-old daughter, whose mother has refused to let him visit.

''I've had clean urines, 100 percent, for nine months now. There's nothing I'm prouder of than that,'' he said, choking back emotion. ''What I read on the front page of the paper every day is 18- and 20-year-old kids dying of garbage drugs. There's just no need for it. I would take every ounce of heroin off the street and give them this stuff. You watch the crime rate go down.''

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CORNYN. Mr. President, I ask unanimous consent I be allowed to speak for 20 minutes in morning business.

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

TRIBUTE TO FORMER PRESIDENT RONALD REAGAN

Mr. CORNYN. Mr. President, as the whole world knows by now, America and the world lost a great man, Ronald Reagan, last Saturday. After battling Alzheimer's disease for the last 10 years, he finally succumbed and left this life for the next.

This week, in this Senate, on television, in the newspapers, and all around the world we will hear people talking of their memories of this great man and what a difference he made in this country and to freedom-loving people all around the world. I offer a few of my own comments in that regard out of respect for him and his family and the great example he was for all who believe in freedom, hope, and opportunity.

Ronald Reagan, perhaps during his entire political career, was underestimated. He was written off by some as an actor or by some as a nice man but maybe not particularly effective. Because he was a man of good humor who loved a good joke, some thought he could not and should not be taken seriously.

The fact is, Ronald Reagan demonstrated for everyone how a serious person—that is, someone who believes deeply in their principles, indeed in the principles upon which this country was founded, and who is willing to put themselves out in the public domain and to argue and fight, sometimes to lose but sometimes to win, in advocacy of those principles—Ronald Reagan reminded us that a good man, indeed a kind human being, a gentle person, a loving husband and father, can also survive in this sometimes difficult, some might even say ugly, world of electoral politics.

In many ways, his death gives another reason to remember that politics today seems in many ways to become personal, so adversarial. Indeed, it need not be. There is no reason why individuals cannot disagree about public policy and differing points of view. There is no reason they cannot do that without becoming personal and hurtful.

I believe it was Margaret Thatcher who once said that a person who reverts to name-calling simply has run out of anything else to say. Indeed, what we ought to be focused on is the policies we believe are in the best interests of the American people and avoid the sort of personal acrimony and hurt which too often seems a characteristic of our modern politics.

Ronald Reagan taught us you can be a successful politician, you can rise to the greatest heights in our system—indeed, to be the leader of the free world—and still keep your good humor, still treat every person with dignity and respect, and still show the milk of human kindness to others.

The one thing that made Ronald Reagan such an attractive person in public life was his basic principles. Indeed, there are some who underestimated him his entire political career. What they failed to appreciate was the power of his convictions and the ideals for which he stood. One of those convictions was putting people first. Ronald Reagan said putting people first has always been America's secret weapon. It is the way we have kept the spirit of our revolution alive, a spirit that drives us to dream and dare, and to take great risks for a greater good.

I know Ronald Reagan has been touted as a great man. I believe he was a great man. But he never considered himself to be a great man, merely a man committed to great ideas.

He also was sometimes criticized for being too much of a dreamer, but he made no apologies about that. He said:

There's no question I am an idealist, which is another way of saying I am an American.

But when I think of the policies of the Reagan administration and the successes of what some have called the ''Reagan Revolution,'' but which I think in many ways was not revolutionary as much as it was a restoration of our basic principles upon which this country was founded, I think of the fall of communism and the subsequent liberation of tens of millions of people who had known nothing other than oppression and tyranny and dictatorship, and, also, the resurgence of the American economy.

First, so far as his role in the fall of communism, although he was a genial, friendly, humor-loving optimist, he was a hardnosed realist when it came to the terrible impact and consequences of communism on people across this globe. Indeed, he knew it was important for us to maintain a strong military and made no apologies when it came to the importance of peace through strength, not going hat in hand to our allies or our enemies asking them to do us a favor but recognizing that America has a unique role in the world as the one remaining superpower, after the fall of the Soviet Union, and recognizing the failure of communism as an alternative to freedom and democracy.

But it was, in large part, his commitment to rebuilding our military and peace through strength and hardnosed negotiating across the conference table with various opponents of our country and leaders of other countries that caused freedom to reign for tens of millions of people who had never known freedom due to the fall of communism.

The other thing he believed in was the freedom here at home. He believed that big government was the enemy of individual freedom, and that if, in fact, we were going to be able to continue to enjoy the kind of prosperity and opportunity that has been synonymous with America, we needed to get a handle on big government. Indeed, when Ronald Reagan became President, it is hard to believe now, but the highest marginal income tax rate was 70 percent. By the time he left office, it was 28 percent. Today it stands at 35 percent.

But Ronald Reagan understood, as all Americans understand—all folks outside of Washington especially understand—that in order to grow the economy you do not tax it more, you cut taxes, because only then can you provide the incentive for the individual American worker to work hard, save their money, invest their money, perhaps in their small business, and then create jobs and opportunity for others who may not have those jobs or that opportunity. It was by growing the economy, by providing that incentive for work and investment and savings and risk taking that we have all been the beneficiaries of that new economic freedom was brought in, in modern times, by Ronald Reagan's leadership.

Most of all, I think my memories of Ronald Reagan center around his call for us to believe in ourselves once again, to believe in America again, and believe in the ideals we all identify with this great country of ours. America is different from virtually every other country in the world in that it was founded on ideals, on an ideal of liberty and justice for all, something not shared by any other country in the world that was formed or based on history or collective experience. But, of course, our country was formed on the basis of these ideals, and Ronald Reagan believed in them fervently and, more importantly, he fought for them, even against those who suggested that perhaps it was not possible for America to be great again.

There were those who suggested that somehow America's greatest days were behind us. Ronald Reagan never believed that. He always believed America's greatest days lay ahead of us. And indeed they do, even today.

He understood and preached, perhaps better than anyone, that big government and high taxes are the enemy of individual freedom, that smaller government and lower taxes would be an incentive to work and savings.

I mentioned a moment ago his belief in the individual initiative of risk takers, of entrepreneurs, of those who

would take the risks, make the investment, and create jobs for the American people. At one point he said:

Too often entrepreneurs are forgotten heroes. We rarely hear about them. But look into the heart of America, and you will see them. They are the owners of that store down the street, the faithful who support our churches, schools, and communities, the brave people everywhere who produce our goods, feed a hungry world, and keep our homes and families warm while they invest in the future to build a better America.

Now, those who only saw the genial, friendly, humor-loving side of Ronald Reagan did not know the entire man. As I mentioned, behind that genial countenance was a man of strong principle and a man as tough as they come. For example, when the air traffic controllers defied a back-to-work order, he fired them, emphasizing the fact that the greater good is always paramount and more important than special interests.

Of course, he survived an assassin's bullets with great humor, telling his wife, ''Honey, I forgot to duck,'' and expressing to his physicians, the ones who saved his life in the emergency room: ''I hope you're all Republicans.''

With every fearsome challenge he encountered in life, he met it with good humor, humanity, kindness, and optimism in a way that inspired and continues to inspire the American people, which, to me, will be one of his greatest legacies.

He also taught us that politics can be a noble calling. Unfortunately, today, it seems that is forgotten too often and people ask: How in the world can you be involved in politics and be a good person? How can you believe in doing the right thing and be involved in politics since it is all about getting reelected and raising money and a fight for power? But, indeed, Ronald Reagan exemplified the fact that a good person, with strong convictions, committed to great ideals and the principles upon which this country was founded, can be successful in life and in politics, which, indeed, he was as the leader of the free world.

Mr. President, as the Nation grieves with his family, we also celebrate the life of this great man, a quintessential American whose hopes and dreams knew no bounds.

Ronald Reagan loved America, and America loved him back.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BURNS. Madam President, I come to the floor today after receiving the news over the weekend of the passing of President Reagan. I see today these young folks called pages who work for us on the floor of the U.S. Senate. They will be here this week during a very historic period. Here are young people who never met President Reagan. They have never seen him give a speech live, nor have had conversations with him, and never really will be able to hold the man in their hearts like some of us who were inspired to go into political life by his words and by the example that he set for political life. It is too bad they didn't get to do that. But that is not their fault.

This week, we will be celebrating his life. He will come to this town, and there will be a lot of recollections from those who knew him. I did not get to serve with him because he left the Presidency the same year that I was elected to the Senate. I came here under the Presidency of President George Herbert Walker Bush.

One of the photographs of which I am most fond, of the President and me, one I shall cherish to the end of my life, was taken in 1982 when he came to Billings, MT. We had a little bit to do with that meeting. I think it was the first personal meeting I ever had with the President. You could tell from the way he carried himself, the way he walked, the way he spoke, the way he treated people, the handshake, that he was not only the Commander in Chief and President of the United States, but he was also a man of the people. He had Midwestern roots—Illinois, the great prairies. He was successful in Hollywood. He was a successful broadcaster. He was of an age, at the time he was called to political life, that basically everyone said he was too old. Yet he went on to serve two terms.

You may not have agreed with everything he stood for, but you didn't ever have any problem figuring out where he stood. He never wavered. He was the same the day he left office as the day he came into office. That example probably put into public life a lot of us who never thought of it.

I can remember something that happened in 1988, when I ran. In this political life, they said you have to come back to Washington, DC, and you have to have your picture taken with President Reagan. They gave me the date to be here. I said: I am sorry, I can't be there that date.

They reminded me and said: This is the White House calling. This is the date.

I said that I wasn't concerned about what color their house was, but on that date I happened to have an auction. I am an auctioneer. I had to make a living first, in 1988.

So that conversation closed. Then all at once, the political director called up. I explained the same thing to him. I said: It is not that important, no big deal. I am busy, he is busy, we have a date, they didn't jibe, so we will move on.

Well, as it turned out, even the President called. He said: I understand about auctions, once you have one advertised. You go ahead and have the auction.

That surprised me a lot. He was something. He was one of those who really won the cold war without firing a shot. And the chemistry between him and Prime Minister Thatcher of England was one of an unbelievable partnership. They stood alone against the world on the deployment of tactical nuclear weapons as a deterrent to the aggression of a country that he called evil. You see, he had come to the Presidency knowing that about communism. He knew it for what it was—degrading, dehumanizing. There was no upward mobility, no chance of any individual ever attaining any kind of freedom—either economically or politically. There was no opportunity to take their own talents and go into the field of their endeavor. He understood communism for what it was and he said: This cancer has to go.

As a result, through his steadfast leadership—and I know there were lonely times with decisions that he made—he brought down the Berlin Wall without a shot being fired.

We honor him. This should be a week of celebration of a life—a life in the history of this country that will live as long as the country lives, as long as free men want to breathe. His name will be remembered. He has made his mark.

At that first meeting in Billings, I was sitting on a horse, and we were getting ready to take him into a building. There were two others who were supposed to escort the stagecoach. I can remember him saying: You know, the rowels on those spurs aren't very big. And I said: You don't need a big rowel if you have a spirited horse. He said: I understand that.

We will celebrate this man's life this week. We named a post office in Billings, MT, 59105, after Ronald Reagan this year. I am proud of that.

But what a gifted man he was, the way he could communicate, the way he could touch people, the time he gave to this country for which we should be very thankful. He wasn't a perfect man. I haven't seen one yet who didn't have a few bruises, scars, marks, bumps, warts, and such. But he was an American, and he was an American who took those principles to heart. He lived them every day he drew breath—while he was in the White House and after he left the White House.

Mr. President, we welcome you back to Washington this week to celebrate your life and your contribution to this great country. We say, Thank you.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEFENSE AUTHORIZATION

Mr. WARNER. Mr. President, I thank all Senators for their cooperation in regard to the work that the committee, Senator LEVIN and I, and all Members of the committee have performed on the National Defense Authorization Act, which is currently the pending business before the Senate.

I state to all Senators that the amendments are in now. We have quite a few. In such time as staff will have this week, I and other Members of the committee will be working through these amendments. When the Senate resumes its business next week, my understanding is the leadership intends to bring up this bill and we will continue our work. We are making progress.

At the same time, I commend the leadership of the Senate. It is most appropriate as a tribute to our late President and the deep respect so many hold him in that this Senate will not be conducting its normal workload this week.

Our committee had planned to have a very important hearing on Thursday. We had confirmed witnesses and the hearing was set to have the Deputy Secretary of State, Deputy Secretary of Defense, and Chairman of the Joint Chiefs before the committee. The principal agenda we were going to address was the transition taking place in Iraq, the government, our concerns regarding the hopeful U.N. Resolution, as well as documents being in place that will give a specific clarity to the question of the status of forces and how they will operate under the evolution of this new government. It is very important, not only for the safety of each member of the Armed Forces of the United States but our coalition partners, as we continue to pursue the goal as laid down by our President and the Prime Minister of Great Britain and others in bringing about peace in Iraq and providing for a security situation such that they can enjoy the freedoms we in this country and other countries enjoy.

I myself am anxious to receive the report of our majority leader and others who were in Iraq meeting with officials. I will leave that for the moment.

In conversations with the majority leader over the weekend, I was very encouraged by the positive observations he provided.

We will not be able to move forward on this bill this week for very important reasons, nor will we have our hearing. I thought of having the hearing the following week but, again, it is extremely difficult for a committee to pursue a bill of this magnitude—and I think there are probably 200 amendments at the present time—and then have a hearing, which hearing would take 4 or 5 hours, in all probability. Consequently, I will not schedule a hearing that week, but I will be in consultation with the Senate leadership and the members of the Senate Armed Services Committee, Senator LEVIN and all members of the committee, as to the course of action we will take to continue to pursue the hearings we deem necessary to fulfill the basic parameters of the investigation regarding the prisoner situation that were laid down in my opening statement on May 7 at which time the Secretary of Defense appeared before the committee.

There had been a lot of press speculation, comments, and inquiries to my office about any changes. The answer, speaking for myself, is clearly no. It is my intention to try to achieve the necessary oversight. We cannot predict every course of action of the committee but basically the oversight we deem necessary on this important issue. At the same time, we must recognize important work is being done by the committee in getting this bill through and adopted. It is important because the Appropriations Committee, I understand, is awaiting the bill and the House is anxious to get started with the conference. All aspects are coming together.

So for the present time I am not able to give an exact prediction. We are looking at the possibility of the earliest possible hearing to replace the one we are not going to have on Thursday. Thursday's hearing was going to be devoted to the transition of government and the security of our forces and the framework within which our coalition will operate in carrying out its mission. We nevertheless anticipated we would get an update from the Departments of Defense and State with regard to the various inquiries and investigations now underway, all of which were instituted by the executive branch. As far as I am concerned, the Department of Defense is pursuing those investigations in a very fair and objective and serious manner.

Speaking for myself, I think the Department of Defense has been totally cooperative with me as chairman of the committee in bringing certain documents and other matters to the attention of the committee. There was a situation regarding General Taguba's report. I worked with the Department. The Department, in a timely way, is bringing to the Senate for its examination such other records as we deem to have been within the framework of that report and bringing them to the Senate in a timely fashion. They have been cooperative.

I thank all Senators. We will be resuming our series of hearings on not only the prisoner situation but the transition in the government and other issues as quickly as we can following the completion of our bill in the Senate.

I also at this time draw the attention of all Senators to an amendment which I put into the RECORD. The amendment is a very short one. It states the title of this bill, subject to the adoption of this amendment, will become the ''Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005.''

I have a number of cosponsors to this amendment at this time. I hope tomorrow other Senators might consider becoming cosponsors.

I was privileged to be in the Senate through his Presidency and, at various times, served as ranking member of the committee. His steadfast determination to strengthen America's defense is one of the hallmarks of his administrations. I was so privileged, as were other Members of the body, to have worked with him on that buildup.

That buildup, in my judgment, clearly laid the foundation for the eventual demise of the Soviet Union and the ability of diplomacy to work more effectively because, undoubtedly, through his actions and his remarks, the world clearly knew this President was going to guide this Nation to the position of such strength as necessary to back up diplomacy. After all, I think as a doctrine well established, diplomacy can only be as effective as a nation is capable of backing it up if it fails and have the determination to use such other assets as necessary to achieve its goals, in our case, in the area of the security and freedom of our great Nation; namely, national defense.

Mr. President, with that, I think I will conclude my remarks, again drawing the attention of Senators to this amendment that I was privileged to submit together with Senator FRIST, Senator STEVENS, and, I must say, Senator LEVIN and Senator INOUYE. So it is bipartisan in every respect. And Senator LIEBERMAN has joined us. So I hope other Senators might consider joining us as cosponsors during the course of business tomorrow.

Mr. President, I yield the floor.

Mr. SARBANES. Mr. President, I would like to take this opportunity to explain an amendment that I offered and was accepted by unanimous consent on Friday, June 4, 2004. The amendment expresses the sense of the Senate that the Department of Defense should set aside funds to assist those school districts with school-aged populations that are severely affected by the Army's Residential Communities Initiative—RCI. In essence, it urges the Department to build and improve its housing with an eye toward the needs of the surrounding civilian community, to contribute to that community's public school system and to assist with those expansions and accommodations that are driven by an increased military presence.

In 1996, the Department began a project that will result in approximately 120,000 new housing units at 34 installations across the United States. The increase in family housing units will bring a corresponding increase in school-age children to these bases. These children will be educated primarily at public schools. Indeed, of the approximately 750,000 current school-aged children of members of the active duty Armed Forces in the United States, approximately 650,000 attend public schools.

President Truman created the Impact Aid Program in 1950 to reimburse

public school districts for the loss of traditional revenue sources resulting from a Federal presence or Federal activity. Since that time, numerous school districts throughout the country have received direct assistance from the program. Impact Aid is unique among the Federal education programs because it is one of the only programs in which funds are sent directly to the school district with little or no intervening bureaucracy.

Although in recent years the program has not been fully funded, it still provides critical support to school systems that contain Federal bases. School systems have three main sources of revenue for each student: State aid, local property taxes, and local taxes on businesses. Districts that contain Federal installations do not have the benefit of collecting property taxes on the property upon which military bases sit. Their schools educate children whose parents are stationed on base, but they do not receive the benefits of a tax base that includes the property that these parents would occupy in normal school districts. In other words, these districts have less money per child with which to support their public schools.

The Impact Aid Program was created to alleviate some of the pressures created by a large military presence by providing funding for additional students and programs to meet growth-related needs. But the Department's RCI program presents a unique situation for communities across the country, including that of Anne Arundel County, which contains Fort Meade. On the one hand RCI provides a commendable solution. By rehabilitating dilapidated military housing, our service men and women have safer, more comfortable places to live. We in Maryland are very proud of and grateful for our military presence and strongly support the right of military families to have livable dwellings. But on the other hand our communities must have the Department participate as a full partner in those facilities its personnel use.

It is only proper that the Department, as it improves its housing, consider the impacts those improvements are likely to have on the surrounding community, particularly the school system. My amendment asks the Department to do just that—to not only build and improve housing, but to think of the community it is creating and to contribute to that community's needs as a partner. I believe this is the only responsible way for the Department of Defense to proceed and I thank my colleagues for supporting this amendment.

Ms. SNOWE. Mr. President, last Thursday, I submitted amendment No. 3273 to the National Defense Authorization Act for fiscal year 2005 revising and extending the authority for the advisory panel to the Administrator for Federal Procurement Policy on review of government procurement laws and regulations

This amendment is intended to ensure that small business interests are represented both in the membership of the panel and in its activities.

The advisory panel was created in Section 1423 of the National Defense Authorization Act for fiscal year 2004, and was mandated to focus on laws and regulations concerning the use of commercial practices, performance-based contracting, the performance of acquisition functions across agency lines of responsibility, and the use of government-wide contracts. The panel was required to issue a report a year after appointment, but, otherwise, the panel has no subset date.

While the panel was to study contracting laws in different contexts, small business was not one of them. Further, Section 1423 provided that appointments were to be made in consultation with several government agencies and Congressional committees involved in procurement policy. Again, neither the Small Business Administration nor the Congressional Small Business Committees were mentioned. Finally, there as no mention of small business with regard to the panel's report.

As Chair of the Small Business Committee, I am profoundly troubled by the omission of small business interests from the work of this panel. The contracting practices to be studied by the panel have an enormous impact on the ability of small business to participate in the Federal procurement marketplace. The Senate must assure small businesses that their opinions about acquisition reforms will be heard.

My amendment is simple and straightforward. It would require participation on the panel by the Chief Counsel for Advocacy of the Small Business Administration or his designee. The Chief Counsel's Office of Advocacy, created by Public Law 94–305, has a unique mandate to be an independent voice of small business before Congress and Federal agencies. Under Executive Order 13272 signed by President George W. Bush, Federal agencies must consider the chief counsel's comments on any proposed rules in order to ensure that our government's policies will not cause harm to America's small business.

As we know, small businesses have been struggling to gain and retain access to Federal contracts. Problems like contract bundling continue to persist, and many agencies still fail to meet their statutory small business contracting goals. The Chief Counsel for Advocacy and his capable staff have worked hard to tackle challenges faced by small companies in doing business with the Federal Government. Naming the chief counsel or his designee to this panel will enable the Office of Advocacy to better carry out its statutory mandate, and it will facilitate the implementation of President Bush's Executive order on consideration of small business interests. The chief counsel, Mr. Thomas M. Sullivan, advised my committee that such an appointment will be in the interest of small business.

This amendment also requires the panel to consider small business issues in its studies and in its report, provides for an extension in the deadline for completing or supplementing its report to reflect the small business perspective, and mandates accountability to the small business committees of the House and the Senate.

This amendment gives small businesses a seat at the table to have their views heard as recommendations are made that could significantly impact their future viability as government contractors. Senators COLEMAN and KERRY have already expressed their support for this amendment by becoming cosponsors. I urge the rest of my esteemed colleagues to support America's small business and this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

OPENING THE RAIN GARDEN

Mr. DURBIN. Mr. President, earlier today the Architect of the Capitol and I had the opportunity to participate in the ribbon cutting for a small, but important project on the Senate side of the Capitol.

At my request, the Architect and his staff built a demonstration rain garden, also known as a low impact drainage project, last month just outside of parking lot 16 at the corner of First and D Streets, Northeast. A rain garden captures and filters runoff from parking lots to reduce stormwater flooding and keep pollutants from entering local streams and rivers.

In the case of the Senate's rain garden, oil, gas, brake fluid, and other toxic substances from automobiles are filtered though a garden that measures 18 ft x 65 ft x 5 ft just outside of the Lot 16 fence. The garden, which is a very attractive addition to the landscaping here on Capitol Hill, is not flat; it is built on an angle to pull runoff into it. The water is filtered through rocks and a coarse mix of soil. The soil is 50 percent sand, 30 percent topsoil, and 20 percent organic materials, such as composted leaf mulch. The annual and perennial plants in the rain garden were selected by the Landscape Architect due to their ability to withstand periods of heavy saturation, drought, and also their ability to thrive in an environment that occasionally includes a steady diet of pollutants.

Once the water is filtered, it is discharged into the existing stormwater

sewer system which, during periods of heavy rainfall can discharge directly into the Anacostia River and, eventually, the Chesapeake Bay. However, the rain garden filters out as much as 90 percent of the pollutants that would otherwise go directly into the stormwater sewer. As it turns out, a rain garden is a simple, inexpensive, yet attractive solution to a very difficult problem in most urban areas.

While this rain garden will not solve all of the runoff problems on Capitol Hill, it will serve as a model that can be replicated throughout the Capitol complex. As Members of the Senate we represent all 50 States, but we must never forget that we have a responsibility to be thoughtful and caring stewards of our Nation's Capital.

Now that the rain garden project is complete, I extend my thanks to Doug Siglin of the Anacostia River Initiative for bringing the concept to my attention last year, to the Architect of the Capitol, for moving the project forward, and to Ecosite, the Maryland-based contractor, that did the physical construction work on the project.

However, special thanks are reserved for the two people most responsible for making this project a reality, Nancy Olkewicz, who works for the Legislative Branch Appropriations Subcommittee, and Matthew Evans, the Landscape Architect of the Capitol.

Matthew brought his great vision and gentle determination to bear on this project and it shows in the way the rain garden blends seamlessly into the overall Capitol Hill landscape plan. He has been pleasant and responsive throughout this entire process and I appreciate his hard work.

I asked Nancy to investigate whether a demonstration rain garden could be built on Capitol Hill given all of the restrictions and rules that govern everything that takes place within the Capitol complex. Nancy took my request and ran with it. In large part, the rain garden is a product of her determination and doggedness in seeing it through to completion. I have great admiration for such perseverance and appreciate all that she does for me and the Senate, which she has made her professional home for 25 years.

The Senate rain garden was completed on time and under budget and will undoubtedly contribute to a cleaner environment on Capitol Hill and throughout the region. I am pleased to have played a small role in its development.

COMMEMORATING THE 60TH ANNIVERSARY OF D-DAY

Mrs. FEINSTEIN. Mr. President, I rise today to commemorate the anniversary of the Allied invasion of Western Europe.

Sixty years ago yesterday, Allied troops landed on the beaches and parachuted into the fields of Normandy in an effort that would lead to the eventual destruction of the German Army and the liberation of the European continent.

On the early morning of June 6, 1944, after years of logistical coordination and deceptive intelligence operations, U.S. troops and their counterparts from Britain, France, Canada, and Poland brought to bear their enormous power and tremendous bravery on Hitler's military.

On that momentous day, over 150,000 Allied servicemen, including 73,000 Americans, 5,000 ships, and more than 1,000 planes started to beat back the German Army.

The attack began just after midnight when more than 13,000 paratroopers carrying between 70 and 90 pounds of equipment jumped down into German-occupied territory. As these men fell through enemy fire to the fields and farmland of Normandy, the largest armada ever assembled steamed across the English Channel toward the French coast.

At 6:30 a.m., the first wave of troops arrived on the beaches, unloading tens of thousands of soldiers in the face of mortar, artillery, and machine gun fire from the cliffs above the Normandy beaches.

A second wave of Allied Forces landed at 7 a.m., charging up hills and scaling cliffs through continued firepower. The fighting continued throughout the day, and at day's end, the Allied casualties numbered nearly 10,000, of which 2,500 had died, including more than 1,400 Americans.

But more than 100,000 Allied soldiers had made it ashore and secured French coastal towns. On D-Day Plus Five, June 11, over 325,000 Allied troops, 54,000 vehicles, and 104,000 tons of supplies had arrived in Normandy.

The D-Day invasion was one of the most daring military operations in history and it succeeded because of the courage of Allied soldiers and the careful planning of Allied military leaders. These brave troops and their leaders knew that this attack would determine the fate of Europe and much of the world for many years to come.

With success on the coast of Normandy, the Allies advanced across France, liberating village after village on the path to Berlin. The massive landing and subsequent arrival of troops had allowed for a relentless advance and cleared the way to a conclusion of the war.

The Americans who survived that day and that war are no longer young. Indeed, there are fewer D-Day veterans this year than last, and there will be fewer still next year. Yet the men who fought on that day 60 years ago, and the Americans who supported their efforts at home and abroad, have created a legacy of peace and prosperity that continues to reign across Europe today.

Europe is united, not by force of arms or tyranny, but by economic strength and cooperation. Last month, 10 new countries joined the European Union. Former battlefield adversaries now enjoy freedom of movement, a single currency, and a secure future for themselves and their children.

The legacy of those D-Day veterans is also apparent in our Nation today. Just last week, thousands of veterans came to Washington, DC, to celebrate the opening of the World War II Memorial. These veterans reminded us that the prosperity we have enjoyed for most of the past 60 years came at a price—the 400,000 American lives that were lost during World War II.

The remarkable advancements in our Nation and the world during the past 60 years would not have been possible without the extraordinary effort undertaken by this generation of Americans and our allies who shared our commitment to freedom.

Today, courageous soldiers, sailors, marines, and pilots continue to serve and sacrifice for this country. As we remember the brave individuals who served in Normandy and across the globe during World War II, we must also honor the men and women of today's military who are in harm's way.

As of June 3, 126 American soldiers have died in Afghanistan and another 818 have died in Iraq. Thousands more have been injured. These men and women, along with their families, have made the ultimate sacrifice for our country. Today, I honor them and the approximately 140,000 soldiers who continue to serve in the Middle East.

June 6, 1944, was a crucial day in the history of this Nation and the history of the world. Today we recognize the contribution of those who served our Nation on that day and thank them for staring down tyranny and liberating Europe. They continue to serve our nation through the undiminished memory of a battle fought far from home for the good of all people.

MANIPULATION OF THE CALIFORNIA ENERGY MARKET

Mrs. FEINSTEIN. Mr. President, I rise today to discuss the callous attitudes of Enron employees that were brought to light recently in transcripts released by the Snohomish County Public Utility District in Washington and broadcast on CBS News.

These tapes provide concrete evidence of the manipulation and fraud that was perpetrated by energy companies in the 2000–2001 energy crisis in California.

This manipulation resulted in the cost of energy in California increasing from $7 billion in 1999 to $27 billion in 2000 and 2001, respectively.

This type of price gouging and market manipulation can and will happen again if the energy market is not restructured.

I urge the California State Legislature to take action on Speaker of the Assembly Fabian Nunez's bill—AB 2006, the Reliable Electric Service Act.

This bill would re-regulate the energy market and protect small consumers served by utilities from this type of unethical behavior.

In more than a dozen taped conversations, the Enron power traders show complete disdain for consumers throughout the West, and particularly those in California.

While I cannot read the transcripts verbatim due to the coarse language used by the traders, I would like to read to you some excerpts: One trader sang: ''Burn, baby, burn. That's a beautiful thing.''

This was in reference to a wildfire that shut down a major transmission line, decreasing power supplies and raising energy prices.

Another trader said: ''Just cut 'em off. They're so [expletive]. They should just bring back . . . horses and carriages, . . . lamps, . . . kerosene lamps.'' (Expletives Deleted)

To have traders say these things shows a complete disregard for the health and safety of Californians. And this was not an isolated trader—this was a mentality apparently endemic to Enron employees.

The only thing these traders cared about was how much money they could bleed from the California marketplace.

Let me read you a second excerpt: One trader complained: ''They're [expletive] taking all the money back from you guys? All the money you guys stole from those poor grandmothers in California?''

A second responded: ''Yeah, grandma Millie, man.''

The first responded: ''Yeah, now she wants her [expletive] money back for all the power you've charged right up, [expletive phrase], for [expletive] $250 a megawatt hour.''

To thumb your nose at a grandmother on a fixed income is completely reprehensible, but it was how these traders operated—with no compassion for those suffering from their behavior—that galls me the most.

When I heard these tapes, I knew that we could not expect any ethical conduct from traders in this energy market.

Let me read you another excerpt, this one illustrating the lengths these traders would go to manipulate the market:

Tom: The headline before that is ''California Grid Operators Call Stage 2 Power Emergency as Reserves Drop.''

Matt: Yeah. They're on the ropes today. I exported like a [expletive] 400 megs.

Tom: Wow.

Matt: I bought it all. I'll see you guys—I'm takin' mine to the desert.

Tom: [Expletive] 'em, right?

Matt: I think those gamblers in Las Vegas need the power more than you.

Matt goes on to say that he and Enron were getting rich off of exporting power out of California when Californians needed it most.

The transcripts prove that Enron intentionally congested transmission lines and used its influence to delay wholesale price caps in order to maximize its profits.

Other transcripts also prove that Enron traders made secret deals with power producers, deliberately driving up prices by ordering power plants shut down.

But Enron did not act alone in manipulating the California energy market. In fact, this type of manipulation was pervasive among many energy companies operating in California. Here are several more examples.

Reliant, for instance, decided to game the market by deliberately holding back power generation for two days at its facility near Barstow in late June 2000. This is when the State needed power the most. Worse, these decisions were made from the top. The vice-president of power trading at Reliant directed traders to manipulate the market in this manner.

At one point, Reliant charged the State of California $1,900 per megawatt-hour for electricity, or approximately 6300 percent more than the historic standard of $30 per megawatt-hour. Yet the Federal Energy Regulatory Commission only fined Reliant $13.8 million and the company did not have to admit any guilt or wrongdoing.

Dynegy also demonstrated manipulative behavior such as load shifting, false reporting, and double selling. The company deliberately reported false gas market data to publications and created bogus trades to drive up the price of electricity.

Dynegy was only concerned with its bottom line in the first quarter of 2001, the company posted a recurring net income of $137.5 million, a 73 percent increase in net income from the $79.4 million it reported in 2000 and a 102 percent increase from the company's reported first quarter income in 1999.

For this manipulative behavior, FERC levied a fine of only $3 million, and, again, Dynegy did not have to admit any guilt.

In yet another instance, El Paso Merchant Energy and its affiliates inflated the price of natural gas by reducing deliveries to the State. In fact, El Paso withheld capacity from at least 21 percent of its pipelines that delivered natural gas to the California border. It is estimated that El Paso's price manipulation cost California's consumers $3.7 billion.

FERC settled with El Paso, letting them walk away, again, without admitting any wrongdoing, for a $1.5 billion fine. That is only a fraction of the cost that California consumers were forced to bear due to El Paso's misdeeds.

These companies used many deliberate strategies to manipulate the market, which included: Death Star, Get Shorty, Fat Boy, Load Shift, Black Widow, and Red Congo.

California is still suffering from this unethical conduct.

Californians are forced to pay higher prices for electricity because of long-term contracts that were signed when wholesale prices were artificially inflated by price manipulation.

And Californians still have not gotten the $9 billion in refunds they deserve, which were overcharges as a result of Enron and other companies' manipulation of the energy markets.

These tapes provide concrete evidence that there was intentional manipulation and fraud perpetrated by energy companies during the 2000–2001 energy crisis in California.

That is why I have joined my colleague, Senator BOXER, in calling upon the Federal Energy Regulatory Commission to immediately refund California the $9 billion that it is owed and to order a renegotiation of the long-term contracts that were made under manipulated prices.

These transcripts further prove that the rates Californians paid for electricity were not ''just and reasonable.''

Consumers are not served well by a deregulated marketplace where traders from companies including Enron, Dynegy, Reliant, Mirant, Williams, AES, CMS, El Paso Merchant Energy, and Duke can manipulate the market in the grossest way.

Absent strong action, I have no doubt that this unethical, immoral and illegal behavior will continue.

That is why I support re-regulating California's energy markets. Speaker Nunez's bill would create a regulatory framework that will put California back in charge of its energy future.

The bill would attempt to ensure reliable electricity at stable and affordable rates for small customers; require California's utilities to meet a renewable portfolio standard of 20 percent by 2010; and require utilities to have enough generation capacity to meet the demands of their consumers and have a significant reserve on hand in case of an emergency.

This bill will provide Californians the protection they need from exorbitant energy prices and energy traders with no ethical standards.

California was the first to experiment with de-regulation. Sadly, the 1996 deregulation was a total failure for consumers in California.

We learned the hard way that energy is not a commodity like pork bellies or frozen orange juice, but is a public good.

California needs to put in place a new framework to take regulate the energy market in order to ensure reliability and reasonable prices for consumers.

In other words, consumers should be protected from price spikes, market manipulation, and blackouts.

In closing, I cannot express how disgusted I am by the newest Enron transcripts.

I wish we could have prevented the manipulative behavior in the first place.

Congress still has not acted to pass bills that would prevent this kind of unethical and immoral manipulative behavior in the energy markets, such as those that were offered by me, Senator CANTWELL and others.

As a result, I feel that California must act on its own to control its own energy supplies in order to prevent further manipulation of our markets and keep our lights on.

CBS News is to be commended for bringing these tapes to light.

It is imperative that we learn as much as we can about Enron's behavior—so that we know its impact on the western energy markets and so that this type of fraud and manipulation can be prevented from ever happening again.

ADDITIONAL STATEMENTS

TRIBUTE TO ROBERT CLIFFORD UERZ

• Mr. JEFFORDS. Mr. President, today I pay tribute to Robert Clifford Uerz, an outstanding Vermonter and a national leader in the not-for-profit sector. As he prepares to retire from his position as president and CEO of the American Lung Association of Vermont, it is important to reflect on how much one person can accomplish in serving others.

Robert ''Bob'' Uerz has had a distinguished career with the American Lung Association. He has served the organization for a quarter of a century working in various chapters in the States of New York, Connecticut, and most recently serving in Vermont.

Bob has been on the forefront of the association's efforts in Vermont to carry forward its worthy goals of reducing the presence of lung disease and improving lung health in our communities through preventive measures.

He was the primary force in establishing the American Lung Association's Asthma Clinical Research Center at the University of Vermont, an institution that has served Vermonters and others by advancing medical knowledge through research. I was indeed impressed with the national implications of this study and responded by securing $500,000 in Federal funds to further our understanding of ways to prevent and treat asthma.

Bob has proven himself to be an effective educator and advocate in Vermont by striving to protect and improve the quality of indoor and outdoor air and by expanding services to residents with lung disease or those at risk of developing lung disease. His leadership was key to the establishment of the Better Breathers Support Group Network in Vermont.

Bob has always brought a high level of integrity and dignity to every task. It has become impossible to separate the identity and good name of the American Lung Association of Vermont from the name of Robert Clifford Uerz.

Bob's unwavering commitment toward improving the quality of life of Vermonters of all ages is a model for all who aspire to lead in the not-for-profit sector. The people of our Green Mountain State are truly indebted to him. He has our best wishes for the future.•

LOCAL LAW ENFORCEMENT ACT OF 2003

• Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

One such crime occurred on November 18, 2001 in Huntington, WV. Michael Fife, 28, was beaten, robbed of $20 and left in an alley for dead while walking home from a gay nightclub. Mr. Fife suffered a fractured skull and internal bleeding. Due to a rash of hate crimes biased against gays in the area, some believe that Mr. Fife may have been attacked because the alleged perpetrators thought he was gay.

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

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–7780. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Plum Pox Compensation'' (Doc. No. 00–035–3) received on June 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7781. A communication from the Director, Regulatory Review Group, Commodity Credit Corporation, transmitting, pursuant to law, the report of a rule entitled ''Flexible Marketing Allotments for Sugar'' (RIN0560–AH08) received on June 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7782. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Nonvaluron; Pesticide Tolerance'' (FRL#7359–2) received on June 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7783. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Streptomyces Iydicus WYEC 108; Exemption from the Requirement of a Tolerance'' (FRL#7361–3) received on June 1, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7784. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled ''Overseas Surplus Property''; to the Committee on Armed Services.

EC–7785. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to the International Traffic in Arms Regulations; to the Committee on Armed Services.

EC–7786. A communication from the Assistant Secretary of Defense for Health Affairs, Department of Defense, transmitting, pursuant to law, a report relative to the Senate Armed Services Committee Report 107–62 relative the use of decision support information tools to impact clinical outcomes and the quality of care in the Military Health System; to the Committee on Armed Services.

EC–7787. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report of a transaction involving U.S. exports to the Republic of Korea (South Korea); to the Committee on Banking, Housing, and Urban Affairs.

EC–7788. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the Government Securities Act Amendments of 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC–7789. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to the Government Securities Act Amendments of 1993; to the Committee on Banking, Housing, and Urban Affairs.

EC–7790. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary, Department of Housing and Urban Development, received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7791. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary-Designate, Department of Housing and Urban Development, received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7792. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 65 FR 17606'' (44 CFR 67) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7793. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations; 65 FR 17600'' (44 CFR 65) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7794. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 64 FR 17312'' (44 CFR 67) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7795. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility; 64 FR 17310'' (44 CFR 64) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7796. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 65 FR 17608'' (44 CFR 67) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7797. A communication from the Acting General Counsel, Federal Emergency Management Agency, Department of Homeland

Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 65 FR 17597'' (44 CFR 65) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7798. A communication from the President, Federal Financing Bank, transmitting, pursuant to law, the management report of the Bank for Fiscal Year 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–7799. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Requirement in HUD Programs for Use of Data Universal Numbering Systems (DUNS) Identifier'' (RIN2501–AD01) received on June 1, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–7800. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's 90th Annual Report which covers the Board's operations for calendar year 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–7801. A communication from the Secretary of Labor, transmitting, pursuant to law, the report of the Office of Inspector General for the Department of Labor for the period October 1, 2003 through March 31, 2004; to the Committee on Governmental Affairs.

EC–7802. A communication from the Deputy Director for Management, Executive Office of the President, Office of Management and Budget, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing initiative; to the Committee on Governmental Affairs.

EC–7803. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the President's Management Agenda; to the Committee on Governmental Affairs.

EC–7804. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC–7805. A communication from the Chairman, Board of Governors, Postal Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC–7806. A communication from the Director, Office of Personnel Management, Division for Strategic Human Resources Policy, transmitting, pursuant to law, the report of a rule entitled ''Final Rule on Repayment of Student Loans'' received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7807. A communication from the Chairman and General Counsel, National Labor Relations Board, transmitting, pursuant to law, the Board's Program Performance Report for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–7808. A communication from the Attorney-Advisor, Office of the Federal Register, transmitting, pursuant to law, the report of a rule entitled ''Addresses Change for Inspection of Materials Incorporated by Reference'' received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7809. A communication from the Director of the Federal Register, National Archives and Records Administration, transmitting, pursuant to law, the report relative to a rule entitled ''Addresses Change for Materials Incorporated by Reference'' received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7810. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the Sixty-Third Financial Statement for the period of October 1, 2002 through September 30, 2003; to the Committee on Governmental Affairs.

EC–7811. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's report required by the Government in the Sunshine Act for calendar year 2003; to the Committee on Governmental Affairs.

EC–7812. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2001–22'' (FAC2001–22) received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7813. A communication from the Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2001–21'' (FAC2001–21) received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7814. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, several annual reports from the Corporation in relation to the Foreign Assistance Act; to the Committee on Governmental Affairs.

EC–7815. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC–7816. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, Council Resolution 15–514, ''Sense of the Council on Opposing a Constitutional Marriage Amendment Resolution of 2004''; to the Committee on Governmental Affairs.

EC–7817. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's report to Congress on agencies' use of the Federal student loan repayment program in Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–7818. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period ending March 31, 2004; to the Committee on Governmental Affairs.

EC–7819. A communication from the Acting Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2003 Performance and Accountability Report; to the Committee on Governmental Affairs.

EC–7820. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Micrographic Records Management'' (RIN3095–AB06) received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7821. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Records Disposition'' (RIN3095–AB01) received on June 1, 2004; to the Committee on Governmental Affairs.

EC–7822. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Eligibility Determination for Donors of Human Cells, Tissues, and Cellular and Tissue-Based Products; Final Rule and Notice'' (RIN0910–AB27) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7823. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a financial report required by the Prescription Drug User Fee Act of 1992; to the Committee on Health, Education, Labor, and Pensions.

EC–7824. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption'' (Doc. No. 2002F–0181) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7825. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Bar Code Label Requirement for Human Drug Products and Biological Products; Correction'' (Doc. No. 2002N–0204) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7826. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Prior Notice of Imported Food Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Reopening of Comment Period'' (Doc. No. 2002N–0278) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7827. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Registration of Food Facilities Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Reopening of Comment Period'' (Doc. No. 2002N–0276) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7828. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Removal of Delegations of Authority and Conforming Changes to Regulations'' (Doc. No. 2002N–0142) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7829. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives; Polymers; Technical Amendment'' (Doc. No. 1996F–0176) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–7830. A communication from the Regulations Coordinator, Center for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Procedure for Designating Classes of Employees as Members of the Special Exposure Cohort Under the Energy Employees Occupational Illness Program Act of 2000'' (RIN0920–AA07) received on June 1, 2004; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 2507. An original bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes (Rept. No. 108-279).

By Ms. COLLINS, from the Committee on Governmental Affairs, without amendment:

H.R. 1822. A bill to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office''.

H.R. 2130. To redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the ''New Bridge Landing Post Office''.

H.R. 2438. A bill to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr. Post Office Building''.

H.R. 3029. A bill to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the ''S. Truett Cathy Post Office Building'' .

H.R. 3059. A bill to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office''.

H.R. 3068. A bill to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the ''Brigadier General (AUS-Ret.) John H. McLain Post Office''.

H.R. 3234. A bill to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the ''Ben R. Gerow Post Office Building''.

H.R. 3300. A bill to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the ''Walter F. Ehrnfelt, Jr. Post Office Building''.

H.R. 3353. A bill to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the ''George Henry White Post Office Building''.

H.R. 3536. A bill to designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the ''Army Staff Sgt. Lincoln Hollinsaid Malden Post Office''.

H.R. 3537. A bill to designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the ''Army Pvt. Shawn Pahnke Manhattan Post Office''.

H.R. 3538. A bill to designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the ''Marine Capt. Ryan Beaupre Saint Anne Post Office''.

H.R. 3690. A bill to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the ''Barber Conable Post Office Building''.

H.R. 3733. A bill to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the ''Myron V. George Post Office''.

H.R. 3740. A bill to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building'' .

H.R. 3769. A bill to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the ''Ben Atchley Post Office Building''.

H.R. 3855. A bill to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office''.

H.R. 3917. A bill to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office''.

H.R. 3939. A bill to redesignate the facility of the United States Postal Service located at 14-24 Abbott Road in Fair Lawn, New Jersey, as the ''Mary Ann Collura Post Office Building''.

H.R. 3942. A bill to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the ''Rhode Island Veterans Post Office Building''.

H.R. 4037. A bill to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the ''Richard G. Wilson Processing and Distribution Facility''.

H.R. 4176. A bill to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the ''Bobby Marshall Gentry Post Office Building''.

H.R. 4299. A bill to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the ''Dr. Miguel A. Nevarez Post Office Building''.

S. 1596. A bill to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the ''S. Truett Cathy Post Office Building''.

S. 1763. A bill to designate the facility of the United States Postal Service located at 14 Chestnut Street, in Liberty, New York, as the ''Ben R. Gerow Post Office Building''.

S. 2017. A bill to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, as the ''Luis A. Ferre United States Courthouse and Post Office Building''.

S. 2104. A bill to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the ''Barber Conable Post Office Building''.

S. 2153. A bill to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building''.

S. 2214. A bill to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the ''Mike Mansfield Post Office''.

S. 2255. A bill to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the ''Maxine S. Postal United States Post Office Building''.

S. 2291. A bill to redesignate the facility of the United States Postal Service located at 14-24 Abbott Road in Fair Lawn, New Jersey, as the ''Mary Ann Collura Post Office Building''.

S. 2415. A bill to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the ''Robert J. Opinsky Post Office Building''.

S. 2441. A bill to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the ''General John J. Pershing Post Office''.

S. 2442. A bill to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the ''Richard G. Wilson Processing and Distribution Facility''.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. SANTORUM):

S. 2506. A bill to amend title 49, United States Code, to allow additional transit systems greater flexibility with certain mass transportation projects; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COCHRAN:

S. 2507. An original bill to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes; from the Committee on Agriculture, Nutrition, and Forestry; placed on the calendar.

By Mr. DOMENICI:

S. 2508. A bill to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse; to the Committee on Energy and Natural Resources.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. LEAHY, Mr. BROWNBACK, Mr. DASCHLE, Mrs. DOLE, Ms. MIKULSKI, Mr. BURNS, Mrs. CLINTON, Mr. ALLEN, Mr. EDWARDS, Mr. NICKLES, Mr. CORZINE, Mr. SANTORUM, Mr. BIDEN, Mr. FEINGOLD, Mr. ALEXANDER, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Mr. CAMPBELL, Mr. CHAMBLISS, Mr. COCHRAN, Mr. DOMENICI, Mr. FRIST, Mrs. HUTCHISON, Mr. KOHL, Mr. KYL, Mr. LUGAR, Ms. MURKOWSKI, Mr. SMITH, Mr. SPECTER, Mr. VOINOVICH, Mrs. BOXER, Mr. HAGEL, Mr. KENNEDY, Mr. STEVENS, Mr. DAYTON, Mr. KERRY, Mrs. MURRAY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. NELSON of Nebraska, Mr. SARBANES, Mr. DODD, Mr. HARKIN, Ms. LANDRIEU, Ms. STABENOW, Mr. LEVIN, Mr. SCHUMER, Mr. WYDEN, and Ms. CANTWELL):

S.J. Res. 39. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. CANTWELL:

S. Res. 370. A resolution designating September 7, 2004, as ''National Attention Deficit Disorder Awareness Day''; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 371. A resolution relative to the death of Ronald Wilson Reagan, the 40th President of the United States; considered and agreed to.

By Mr. FRIST (for himself, Mr. DASCHLE, Mr. LOTT, and Mr. DODD):

S. Con. Res. 115. A concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Ronald Wilson Reagan, 40th President of the United States; considered and agreed to.

ADDITIONAL COSPONSORS

S. 453

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 453, a bill to authorize the Health Resources and Services Administration and the National Cancer Institute to make grants for model programs to provide to individuals of health disparity populations prevention, early detection, treatment, and appropriate follow-up care services for cancer and chronic diseases, and to make grants regarding patient navigators to assist individuals of health disparity populations in receiving such services.

S. 1379

At the request of Mr. JOHNSON, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1398

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 1398, a bill to provide for the environmental restoration of the Great Lakes.

S. 1702

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1702, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1909

At the request of Mr. COCHRAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1909, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 2351

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2351, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on Emergency Medical Services Advisory Council, and for other purposes.

S. 2363

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2363, a bill to revise and extend the Boys and Girls Clubs of America.

S. 2411

At the request of Mr. DODD, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2411, a bill to amend the Federal Fire Prevention and Control Act of 1974 to provide financial assistance for the improvement of the health and safety of firefighters, promote the use of life saving technologies, achieve greater equity for departments serving large jurisdictions, and for other purposes.

S. 2425

At the request of Mr. BYRD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2425, a bill to amend the Tariff Act of 1930 to allow for improved administration of new shipper administrative reviews.

S. 2434

At the request of Mr. HATCH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2434, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, D.C., and for other purposes.

S. 2460

At the request of Mr. DOMENICI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2460, a bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes.

S. 2493

At the request of Mr. GREGG, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2493, a bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, and for other purposes.

S. 2503

At the request of Mr. KYL, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 2503, a bill to make permanent the reduction in taxes on dividends and capital gains.

S. 2505

At the request of Mr. MCCAIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2505, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low power FM service.

S. CON. RES. 113

At the request of Mr. SMITH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month.

S. RES. 221

At the request of Mr. SARBANES, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. Res. 221, a resolution recognizing National Historically Black Colleges and Universities and the importance and accomplishments of historically Black colleges and universities.

S. RES. 322

At the request of Mr. HAGEL, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Carolina (Mrs. DOLE), the Senator from Illinois (Mr. FITZGERALD), the Senator from California (Mrs. BOXER) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Res. 322, a resolution designating August 16, 2004, as ''National Airborne Day.''

S. RES. 324

At the request of Ms. MIKULSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 324, a resolution expressing the sense of the Senate relating to the extraordinary contributions resulting from the Hubble Space Telescope to scientific research and education, and to the need to reconsider future service missions to the Hubble Space Telescope.

S. RES. 357

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 357, a resolution designating the week of August 8 through August 14, 2004, as ''National Health Center Week.''

AMENDMENT NO. 3175

At the request of Mr. REID, the names of the Senator from Florida (Mr. NELSON) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of amendment No. 3175 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

AMENDMENT NO. 3246

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of amendment No. 3246 intended to be proposed to S. 2400, an original bill to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. CORNYN, and Mr. SANTORUM):

S. 2506. A bill to amend title 49, United States Code, to allow additional

transit systems greater flexibility with certain mass transportation projects; to the Committee on Banking, Housing, and Urban Affairs.

Mrs. HUTCHISON. Mr. President, I rise today to introduce a bill that will restore flexibility to small communities in the use of Federal transit funding. As chairman of the Senate's Surface Transportation Subcommittee, I recognize the value of mass transit. Public transit is the first choice of transportation for many Americans. Local options such as buses, light rail and subways are affordable, friendly to the environment, and reduce traffic congestion.

I know the limited availability of Federal funds for the Nation's extensive transportation needs requires creative solutions. For this reason, I have introduced this bill to correct an inequity in current law. The 1998 TEA–21 bill phased out operating assistance for mass transit except in small communities, using a population of 200,000 as the benchmark. Nationwide, more than 30 cities that are generally considered small transit communities because they operate fewer than 100 buses at peak hours exceeded that threshold in the 2000 Census. In Texas, the city of Lubbock is caught in this discrepancy. The 2000 Census also treated metropolitan areas composed of two or more adjacent cities as one statistical unit, and many of these units, such as Denton and Lewisville in Texas, subsequently ceased to qualify as small transit communities without increasing the size of their transit systems.

This bill would allow the Secretary of Transportation to make grants to a transit system for mass transportation operating costs in an urbanized area with a population of more than 200,000 if such transit system operates less than 100 buses. Smaller communities have always relied on Federal operating assistance for public transportation. Although bus systems may generate profits, the revenues of such limited offerings are not enough to finance administrative and other overhead costs not associated with capital purchases.

While Congress works to reauthorize highway and other surface transportation programs for another 6 years, the need for this technical correction cannot be ignored. To ensure quality mass transit in States, small transit communities operating fewer than 100 buses should be permitted to use Federal funding as needed for capital investments or operating expenses.

I am proud to offer this bill that provides an important correction for small transit systems, and I urge my colleagues to support it. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2506

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Transit System Flexibility Protection Act of 2004''.

SEC. 2. GENERAL AUTHORITY.

Section 5307(b)(1) of title 49, United States Code, is amended by adding at the end of the following:

''The Secretary may make grants under this section to a transit system to finance the operating cost of equipment and facilities for use in mass transportation in an urbanized area with a population of more than 200,000 if such transit system operates less than 100 buses on fixed route service during peak service hours.''.

By Mr. DOMENICI:

S. 2508. A bill to redesignate the Ridges Basin Reservoir, Colorado, as Lake Nighthorse; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today with great honor and privilege to introduce a bill that would rename Ridges Basin Reservoir in Colorado as Lake Nighthorse after my dear friend and colleague, the Senior Senator from Colorado, BEN NIGHTHORSE CAMPBELL. It is fitting that the Ridges Basin Reservoir, which was created pursuant to legislation introduced and shepherded through congress by Senator CAMPBELL, bear his name. I hope the United States Congress will give this legislation its every consideration.

A veteran, Olympian, and public servant, Senator CAMPBELL has selflessly devoted himself to serving his State and country for over half a century. During his seventeen years in the United State Congress, Senator CAMPBELL has earned respect on both sides of the aisle as a consummate statesman and staunch advocate for the State of Colorado.

As you know, Senator CAMPBELL recently announced that he will not seek a third term to the United States Senate. This is a great loss to the Nation and to the great State of Colorado, but most of all, it is a significant loss to the Senate. His leadership and presence will be greatly missed by all of us. I wish him the best of luck in all of his future endeavors.

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

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

S. 2508

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

SECTION 1. RENAMING OF RESERVOIR.

The reservoir known as the ''Ridges Basin Reservoir'' located on the Animas River in Colorado, constructed under section 6(a) of the Colorado Ute Indian Water Rights Settlement Act of 1988 (102 Stat. 2975; 114 Stat. 2763A–260), shall be known and designated as ''Lake Nighthorse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the reservoir referred to in section 1 shall be deemed to be a reference to Lake Nighthorse.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. LEAHY, Mr. BROWNBACK, Mr. DASCHLE, Mrs. DOLE, Ms. MIKULSKI, Mr. BURNS, Mrs. CLINTON, Mr. ALLEN, Mr. EDWARDS, Mr. NICKLES, Mr. CORZINE, Mr. SANTORUM, Mr. BIDEN, Mr. FEINGOLD, Mr. ALEXANDER, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Mr. CAMPBELL, Mr. CHAMBLISS, Mr. COCHRAN, Mr. DOMENICI, Mr. FRIST, Mrs. HUTCHISON, Mr. KOHL, Mr. KYL, Mr. LUGAR, Ms. MURKOWSKI, Mr. SMITH, Mr. SPECTER, Mr. VOINOVICH, Mrs. BOXER, Mr. HAGEL, Mr. KENNEDY, Mr. STEVENS, Mr. DAYTON, Mr. KERRY, Mrs. MURRAY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. NELSON of Nebraska, Mr. SARBANES, Mr. DODD, Mr. HARKIN, Ms. LANDRIEU, Ms. STABENOW, Mr. LEVIN, Mr. SCHUMER, Mr. WYDEN, and Ms. CANTWELL):

S.J. Res. 39. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, along with 52 of my colleagues I am reintroducing a resolution to renew the import restrictions contained in the Burmese Freedom and Democracy Act of 2003. This resolution is identical to the language in S.J. Res. 36, introduced by myself and others on April 29, 2004, except that the preamble has been stricken. I am pleased that Secretary of State Colin Powell has written in support of this legislation.

I again urge the Senate Finance Committee to expedite consideration of this legislation, which enjoys broad bipartisan support in the Senate.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 370—DESIGNATING SEPTEMBER 7, 2004, AS ''NATIONAL ATTENTION DEFICIT DISORDER AWARENESS DAY''

Ms. CANTWELL submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 370

Whereas Attention Deficit/Hyperactivity Disorder (also known as AD/HD or ADD), is a chronic neurobiological disorder, affecting both children and adults, that can significantly interfere with an individual's ability to regulate activity level, inhibit behavior, and attend to tasks in developmentally appropriate ways;

Whereas AD/HD can cause devastating consequences, including failure in school and the workplace, antisocial behavior, encounters with the justice system, interpersonal difficulties, and substance abuse;

Whereas AD/HD, the most extensively studied mental disorder in children, affects an estimated 3 percent to 7 percent (2,000,000) of young school-age children and an estimated 4 percent (8,000,000) of adults across racial, ethnic, and socioeconomic lines;

Whereas scientific studies clearly indicate that AD/HD runs in families and suggest that

genetic inheritance is an important risk factor, with between 10 and 35 percent of children with AD/HD having a first-degree relative with past or present AD/HD, and with approximately 50 percent of parents who had AD/HD having a child with the disorder;

Whereas despite the serious consequences that can manifest in the family and life experiences of an individual with AD/HD, studies indicate that less than 85 percent of adults with the disorder are diagnosed and less than half of children and adults with the disorder are receiving treatment;

Whereas poor and minority communities are particularly underserved by AD/HD resources;

Whereas the Surgeon General, the American Medical Association (AMA), the American Psychiatric Association, the American Academy of Child and Adolescent Psychiatry (AACAP), the American Psychological Association, the American Academy of Pediatrics (AAP), the Centers for Disease Control and Prevention (CDC), and the National Institute of Mental Health, among others, recognize the need for proper diagnosis, education, and treatment of AD/HD;

Whereas the lack of public knowledge and understanding of the disorder play a significant role in the overwhelming numbers of undiagnosed and untreated cases of AD/HD, and the dissemination of inaccurate, misleading information contributes to the obstacles preventing diagnosis and treatment of the disorder;

Whereas lack of knowledge, combined with the issue of stigma associated with AD/HD, has a particularly detrimental effect on the diagnosis and treatment of AD/HD;

Whereas there is a need to educate health care professionals, employers, and educators about the disorder and a need for well-trained mental health professionals capable of conducting proper diagnosis and treatment activities; and

Whereas studies by the National Institute of Mental Health and others consistently reveal that through proper and comprehensive diagnosis and treatment, the symptoms of AD/HD can be substantially decreased and quality of life for the individual can be improved: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 7, 2004, as ''National Attention Deficit Disorder Awareness Day'';

(2) recognizes Attention Deficit/Hyperactivity Disorder (AD/HD) as a major public health concern;

(3) encourages all people of the United States to find out more about AD/HD and its supporting mental health services, and to seek the appropriate treatment and support, if necessary;

(4) expresses the sense of the Senate that the Federal Government has a responsibility to—

(A) endeavor to raise public awareness about AD/HD; and

(B) continue to consider ways to improve access to, and the quality of, mental health services dedicated to the purpose of improving the quality of life for children and adults with AD/HD; and

(5) requests that the President issue a proclamation calling on Federal, State and local administrators and the people of the United States to observe the day with appropriate programs and activities.

SENATE RESOLUTION 371—RELATIVE TO THE DEATH OF RONALD WILSON REAGAN, THE 40TH PRESIDENT OF THE UNITED STATES

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

S. RES. 371

Resolved, That in recognition of the long and distinguished service rendered to the Nation by the late Ronald Wilson Reagan, the 40th President of the United States, when the Senate recesses or adjourns on each of the days during the period from June 7 through June 11, 2004, it do so as a further mark of respect to the memory of Ronald Wilson Reagan.

SENATE CONCURRENT RESOLUTION 115—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN STATE OF THE REMAINS OF THE LATE RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES

Mr. FRIST (for himself, Mr. DASCHLE, Mr. LOTT, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 115

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation and to the world, by the late Ronald Wilson Reagan, the 40th President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from June 9 until June 11, 2004, and the Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3285. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table.

SA 3286. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3287. Ms. MIKULSKI (for herself and Mr. SARBANES) submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3288. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3289. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3290. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3291. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3292. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3293. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3294. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3295. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3296. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3297. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3298. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3299. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3300. Mr. GRAHAM, of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3301. Mr. NELSON, of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3302. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3303. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3304. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3305. Mr. WYDEN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3306. Mr. WYDEN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3307. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3308. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3309. Mr. DODD (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3310. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3311. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3312. Mr. DODD (for himself, Mr. BAUCUS, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3313. Mr. DODD (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3314. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3315. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3316. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3317. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3318. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3319. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3320. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3321. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3322. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3323. Mr. FITZGERALD (for himself, Ms. CANTWELL, and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3324. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3325. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3326. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3327. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3328. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3329. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3330. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3331. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3332. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3333. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3334. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3335. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3336. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3337. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3338. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3339. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3340. Mr. LEVIN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3341. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3342. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3343. Ms. CANTWELL (for herself, Mr. REID, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3344. Mr. BYRD (for himself, Ms. SNOWE, Mr. KERRY, Mr. ALLEN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3345. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3346. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3347. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3348. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3349. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3350. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3351. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3352. Mr. REED (for himself, Mr. HAGEL, Mr. MCCAIN, Mr. CORZINE, Mr. AKAKA, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3353. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3354. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3355. Mr. REED (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3356. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3357. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3358. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3359. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3360. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3361. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3362. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3363. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3364. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3365. Mr. GRAHAM, of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3366. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3367. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3368. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3369. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3370. Mr. FRIST (for himself, Mr. CRAPO, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3371. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3372. Mr. SESSIONS (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3373. Mr. BENNETT (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3374. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3375. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3376. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3377. Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DAYTON, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3378. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended

to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3379. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3380. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3381. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3382. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3383. Mr. BOND (for himself, Mr. HARKIN, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3384. Mr. BOND (for himself, Mr. HARKIN, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3385. Mr. INHOFE (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3386. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3387. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3388. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3389. Mr. HARKIN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3390. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3391. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3392. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3393. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3394. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3395. Ms. COLLINS (for herself, Mr. BAYH, Mr. ROBERTS, Mr. REED, Mr. DORGAN, and Mr. BIDEN) submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3396. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3397. Mr. HARKIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3398. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3399. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3400. Mr. FEINGOLD (for himself, Mrs. MURRAY, Mr. CORZINE, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3401. Mr. DODD (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3402. Mr. GRASSLEY (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3403. Mr. BENNETT (for himself, Mr. HATCH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3404. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3405. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3406. Mr. FRIST (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3407. Mr. FRIST (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3408. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3409. Mr. DASCHLE submitted an amendment intended to be proposed to amendment SA 2400 submitted by Mr. GRASSLEY (for himself and Mr. BAUCUS) and intended to be proposed to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table.

SA 3410. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table.

SA 3411. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3412. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3413. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3414. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3415. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3416. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3417. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3418. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3419. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3420. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3421. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3422. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3423. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3424. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3425. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3426. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3427. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3428. Mr. GRAHAM of South Carolina (for himself, Mr. CRAPO, Mr. ALEXANDER, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3429. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3430. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3431. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3432. Mr. WARNER (for himself, Mr. FRIST, Mr. STEVENS, Mr. MCCONNELL, Mr. LEVIN, Mr. MCCAIN, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. SANTORUM, Mr. ROBERTS, Mr. ALLARD, Mr. SESSIONS, Ms. COLLINS, Mr. ENSIGN, Mr. TALENT, Mr. CHAMBLISS, Mr. GRAHAM, of South Carolina, Mrs. DOLE, Mr. CORNYN, Mr. INOUYE, Mr. COCHRAN, Mr. GRASSLEY, Mr. LUGAR, Mr. NICKLES, Mr. BURNS, Mr. LOTT, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3433. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3434. Mr. MCCONNELL (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3435. Mr. MCCONNELL (for himself and Mr. GRAHAM, of South Carolina) submitted an amendment intended to be proposed by

him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3436. Mr. MCCONNELL (for himself, Mr. BUNNING, Mr. BINGAMAN, Mr. GRASSLEY, Mrs. CLINTON, Mr. DOMENICI, Ms. CANTWELL, Mr. VOINOVICH, Mr. SCHUMER, Mr. ALEXANDER, Mr. KENNEDY, Mrs. MURRAY, Mr. DEWINE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3437. Mr. MCCONNELL (for himself, Mr. BUNNING, Mr. BINGAMAN, Mr. GRASSLEY, Mrs. CLINTON, Mr. DOMENICI, Ms. CANTWELL, Mr. VOINOVICH, Mr. SCHUMER, Mr. ALEXANDER, Mr. KENNEDY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. DEWINE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3438. Mr. MCCONNELL (for himself, Mr. BUNNING, Mr. BINGAMAN, Mr. GRASSLEY, Mrs. CLINTON, Mr. DOMENICI, Ms. CANTWELL, Mr. VOINOVICH, Mr. SCHUMER, Mr. ALEXANDER, Mr. KENNEDY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. DEWINE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3439. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3440. Mr. ENSIGN (for himself, Mr. GRAHAM, of South Carolina, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3441. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3442. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3443. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3444. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3445. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3446. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

SA 3447. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2400, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

PREVIOUSLY SUBMITTED

SA 3230. Ms. COLLINS (for herself, Mr. BAYH, Mr. ROBERTS, Mr. REED, Mr. DORGAN, and Mr. BIDEN) submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 313. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) CONTRACTS AUTHORIZED.—The Secretary of Defense may enter into an energy savings performance contract under this section for the sole purpose of achieving energy savings and benefits ancillary to that purpose. The Secretary may incur obligations under the contract to finance energy conservation measures so long as guaranteed savings exceed the debt service requirements.

(b) TERMS AND CONDITIONS.—

(1) CONTRACT PERIOD.—Notwithstanding any other provision of law, an energy savings performance contract may be for a period of up to 25 years beginning on the date on which the first payment is made by the Secretary pursuant to the contract. The contract need not include funding of cancellation charges (if any) before cancellation, if—

(A) the contract was awarded in a competitive manner, using procedures and methods established under this section;

(B) the Secretary determines that funds are available and adequate for payment of the costs of the contract for the first fiscal year;

(C) the contract is governed by part 17.1 of the Federal Acquisition Regulation; and

(D) if the contract contains a clause setting forth a cancellation ceiling in excess of $10,000,000, the Secretary provides notice to Congress of the proposed contract and the proposed cancellation ceiling at least 30 days before the award of the contract.

(2) COSTS AND SAVINGS.—An energy savings performance contract shall require the contractor to incur the costs of implementing energy savings measures, including at least the cost (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel, in exchange for a share of any energy savings directly resulting from implementation of such measures during the term of the contract.

(3) OTHER TERMS AND CONDITIONS.—An energy savings performance contract shall require an annual energy audit and specify the terms and conditions of any Government payments and performance guarantees. Any such performance guarantee shall provide that either the Government or the contractor is responsible for maintenance and repair services for any energy related equipment, including computer software systems.

(c) LIMITATION ON ANNUAL CONTRACT PAYMENTS.—Aggregate annual payments by the Secretary to a contractor for energy, operations, and maintenance under an energy savings performance contract may not exceed the amount that the Department of Defense would have paid for energy, operations, and maintenance in the absence of the contract (as estimated through the procedures developed pursuant to this section) during term of the contract. The contract shall provide for a guarantee of savings to the Department, and shall establish payment schedules reflecting such guarantee, taking into account any capital costs under the contract.

(d) RULEMAKING.—Not later than 90 days after the date of the enactment of this Act, the Secretary, with the concurrence of the Federal Acquisition Regulatory Council, shall issue final rules to establish the procedures and methods for use by the Department of Defense to select, monitor, and terminate energy savings performance contracts in accordance with laws governing Federal procurement that will achieve the intent of this section in a cost-effective manner. In developing such procedures and methods, the Secretary, with the concurrence of the Federal Acquisition Regulatory Council, shall determine which existing regulations are inconsistent with the intent of this section and shall formulate substitute regulations consistent with laws governing Federal procurement.

(e) IMPLEMENTATION PROCEDURES AND METHODS.—The procedures and methods established by rule under subsection (d) shall—

(1) provide for the calculation of energy savings based on sound engineering and financial practices;

(2) allow the Secretary to request statements of qualifications, which shall, at a minimum, include prior experience and capabilities of contractors to perform the proposed types of energy savings services and financial and performance information from firms engaged in providing energy savings services;

(3) allow the Secretary to presume that a contractor meets the requirements of paragraph (2) if the contractor either—

(A) has carried out contracts with a value of at least $1,000,000,000 with the Federal Government over the previous 10 years; or

(B) is listed by a Federal agency pursuant to section 801(b)(2) of the National Energy Policy Act (42 U.S.C. 8287(b)(2));

(4) allow the Secretary to, from the statements received, designate and prepare a list, with an update at least annually, of those firms that are qualified to provide energy savings services;

(5) allow the Secretary to select firms from such list to conduct discussions concerning a particular proposed energy savings project, including requesting a technical and price proposal from such selected firms for such project;

(6) allow the Secretary to select from such firms the most qualified firm to provide energy savings services based on technical and price proposals and any other relevant information;

(7) allow the Secretary to permit receipt of unsolicited proposals for energy savings performance contracting services from a firm that the Department of Defense has determined is qualified to provide such services under the procedures established pursuant to subsection (d) and require facility managers to place a notice in the Commerce Business Daily announcing they have received such a proposal and invite other similarly qualified firms to submit competing proposals;

(8) allow the Secretary to enter into an energy savings performance contract with a firm qualified under paragraph (7), consistent with the procedures and methods established pursuant to subsection (d); and

(9) allow a firm not designated as qualified to provide energy savings services under paragraph (4) to request a review of such decision to be conducted in accordance with procedures, substantially equivalent to procedures established under section 759(f) of title 40, United States Code, to be developed by the board of contract appeals of the General Services Administration.

(f) TRANSITION RULE FOR CERTAIN ENERGY SAVINGS PERFORMANCE CONTRACTS.—In the case of any energy savings performance contract entered into by the Secretary, or the Secretary of Energy, before October 1, 2003, for services to be provided at Department of Defense facilities, the Secretary may issue additional task orders pursuant to such contract and may make whatever contract modifications the parties to such contract agree are necessary to conform to the provisions of this section.

(g) PILOT PROGRAM FOR NONBUILDING APPLICATIONS.—

(1) IN GENERAL.—The Secretary may carry out a pilot program to enter into up to 10 energy savings performance contracts for the purpose of achieving energy savings, secondary savings, and benefits incidental to those purposes, in nonbuilding applications.

(2) SELECTION.—The Secretary shall select the contract projects to demonstrate the applicability and benefits of energy savings performance contracting to a range of nonbuilding applications.

(3) REPORT.—Not later than three years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the progress and results of the pilot program. The report shall include a description of projects undertaken; the energy and cost savings, secondary savings and other benefits that resulted from such projects; and recommendations on whether the pilot program should be extended, expanded, or authorized.

(h) DEFINITIONS.—In this section:

(1) ENERGY SAVINGS.—The term ''energy savings'' means a reduction in the cost of energy, from a base cost established through a methodology set forth in the energy savings performance contract, utilized in an existing federally owned building or buildings or other federally owned facilities as a result of—

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

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

(2) ENERGY SAVINGS PERFORMANCE CONTRACT.—The term ''energy savings performance contract'' means a contract that provides for the performance of services for the design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair of an identified energy conservation measure or series of measures at one or more locations. Such contracts—

(A) may provide for appropriate software licensing agreements; and

(B) shall, with respect to an agency facility that is a public building, as defined in section 13(1) of the Public Buildings Act of 1959 (40 U.S.C. 612(1)), be in compliance with the prospectus requirements and procedures of section 7 of the Public Buildings Accountability Act of 1959 (40 U.S.C. 606).

(3) NONBUILDING APPLICATION.—The term ''nonbuilding application'' means—

(A) any class of vehicles, devices, or equipment that is transportable under its own power by land, sea, or air that consumes energy from any fuel source for the purpose of such transportability, or to maintain a controlled environment within such vehicle, device, or equipment; or

(B) any Federally owned equipment used to generate electricity or transport water.

(4) SECONDARY SAVINGS.—The term ''secondary savings'' means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to the energy savings performance contract. Such secondary savings may include energy and cost savings that result from a reduction in the need for fuel delivery and logistical support, personnel cost savings and environmental benefits. In the case of electric generation equipment, secondary savings may include the benefits of increased efficiency in the production of electricity, including revenue received by the Federal Government from the sale of electricity so produced.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Defense.

SA 3265. Ms. SNOWE (for herself, Mr. ALLEN, Mr. COLEMAN, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

(d) DUTIES.—(1) The Commission shall—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''§ 2333. Congressional oversight: submittal of contract documents

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

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

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

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

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

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

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

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

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

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

''(2) orders issued under the contract;

''(3) justifications and approvals;

''(4) any Government estimate of contract price;

''(5) source selection documentation;

''(6) cost or price analysis;

''(7) audit reports;

''(8) justification for type of contract;

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

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

''(11) records of payments or receipts.

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

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

''2333. Congressional oversight: submittal of contract documents.''.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(2) If the panel completes the report under paragraph (1) before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005, the panel may submit the report in accordance with that paragraph, but shall also—

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

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

TEXT OF AMENDMENTS

SA 3285. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 208, between lines 16 and 17, insert the following:

SEC. 906. HOMELAND SECURITY ACTIVITIES OF THE NATIONAL GUARD.

(a) AUTHORITY.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

''§ 116. Homeland security activities

''(a) USE OF PERSONNEL PERFORMING FULL-TIME NATIONAL GUARD DUTY.—The Governor of a State may, upon the request by the head of a Federal agency and with the concurrence of the Secretary of Defense, order any personnel of the National Guard of the State to perform full-time National Guard duty under section 502(f) of this title for the purpose of carrying out homeland security activities, as described in subsection (b).

''(b) PURPOSE AND DURATION.—(1) The purpose for the use of personnel of the National Guard of a State under this section is to temporarily provide trained and disciplined personnel to a Federal agency to assist that agency in carrying out homeland security activities.

''(2) The duration of the use of the National Guard of a State under this section shall be limited to a period of 179 days. The Governor of the State may, with the concurrence of the Secretary of Defense, extend the period one time for an additional 90 days to meet extraordinary circumstances.

''(c) RELATIONSHIP TO REQUIRED TRAINING.— A member of the National Guard serving on full-time National Guard duty under orders authorized under subsection (a) shall participate in the training required under section 502(a) of this title in addition to the duty performed for the purpose authorized under that subsection. The pay, allowances, and other benefits of the member while participating in the training shall be the same as those to which the member is entitled while performing duty for the purpose of carrying out homeland security activities. The member is not entitled to additional pay, allowances, or other benefits for participation in training required under section 502(a)(1) of this title.

''(d) READINESS.—To ensure that the use of units and personnel of the National Guard of a State for homeland security activities does not degrade the training and readiness of such units and personnel, the following requirements shall apply in determining the homeland security activities that units and personnel of the National Guard of a State may perform:

''(1) The performance of the activities may not adversely affect the quality of that training or otherwise interfere with the ability of a member or unit of the National Guard to perform the military functions of the member or unit.

''(2) National Guard personnel will not degrade their military skills as a result of performing the activities.

''(3) The performance of the activities will not result in a significant increase in the cost of training.

''(4) In the case of homeland security performed by a unit organized to serve as a unit, the activities will support valid unit training requirements.

''(e) PAYMENT OF COSTS.—(1) The Secretary of Defense shall provide funds to the Governor of a State to pay costs of the use of personnel of the National Guard of the State for the performance of homeland security activities under this section. Such funds shall be used for the following costs:

''(A) The pay, allowances, clothing, subsistence, gratuities, travel, and related expenses (including all associated training expenses, as determined by the Secretary), as authorized by State law, of personnel of the National Guard of that State used, while not in Federal service, for the purpose of homeland security activities.

''(B) The operation and maintenance of the equipment and facilities of the National Guard of that State used for the purpose of homeland security activities.

''(2) The Secretary of Defense shall require the head of an agency receiving support from the National Guard of a State in the performance of homeland security activities under this section to reimburse the Department of Defense for the payments made to the State for such support under paragraph (1).

''(f) MEMORANDUM OF AGREEMENT.—The Secretary of Defense and the Governor of a State shall enter into a memorandum of agreement with the head of each Federal agency to which the personnel of the National Guard of that State are to provide support in the performance of homeland security activities under this section. The memorandum of agreement shall—

''(1) specify how personnel of the National Guard are to be used in homeland security activities;

''(2) include a certification by the Adjutant General of the State that those activities are to be performed at a time when the personnel are not in Federal service;

''(3) include a certification by the Adjutant General of the State that—

''(A) participation by National Guard personnel in those activities is service in addition to training required under section 502 of this title; and

''(B) the requirements of subsection (d) of this section will be satisfied;

''(4) include a certification by the Attorney General of the State (or, in the case of a State with no position of Attorney General, a civilian official of the State equivalent to a State attorney general), that the use of the National Guard of the State for the activities provided for under the memorandum of agreement is authorized by, and is consistent with, State law;

''(5) include a certification by the Governor of the State or a civilian official of the State designated by the Governor that the activities provided for under the memorandum of agreement serve a State security purpose; and

''(6) include a certification by the head of the Federal agency that the agency will have a plan to ensure that the agency's requirement for National Guard support ends not later than 179 days after the commencement of the support.

''(g) EXCLUSION FROM END-STRENGTH COMPUTATION.—Notwithstanding any other provision of law, members of the National Guard on active duty or full-time National Guard duty for the purposes of administering (or during fiscal year 2003 otherwise implementing) this section shall not be counted toward the annual end strength authorized for Reserves on active duty in support of the reserve components of the armed forces or toward the strengths authorized in sections 12011 and 12012 of title 10.

''(h) ANNUAL REPORT.—The Secretary of Defense shall submit to Congress an annual report regarding any assistance provided and activities carried out under this section during the preceding fiscal year. The report shall include the following:

''(1) The number of members of the National Guard excluded under subsection (g) from the computation of end strengths.

''(2) A description of the homeland security activities conducted with funds provided under this section.

''(3) An accounting of the amount of funds provided to each State.

''(4) A description of the effect on military training and readiness of using units and personnel of the National Guard to perform homeland security activities under this section.

''(i) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform functions authorized to be performed by the National Guard by the laws of the State concerned.

''(j) DEFINITIONS.—For purposes of this section:

''(1) The term 'Governor of a State' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

''(2) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.''.

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

''116. Homeland security activities.''.

SA 3286. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 805. PROHIBITION RELATING TO ACCEPTANCE OF COMPENSATION BY FORMER SENIOR OFFICIALS FOR CONTRACTOR EMPLOYMENT.

(a) PROHIBITION.—Section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2)(A) A person who has served in a position described in subparagraph (B) may not accept compensation from a contractor as an employee, officer, director, or consultant of a contractor for the period applicable under subparagraph (C) or for any work performed during such period if that person, while serving in the position described in subparagraph (B), engaged in the performance of any official duties described in subparagraph (D) that resulted in a financial benefit for such contractor.

''(B) Subparagraph (A) applies to the following persons:

''(i) A person who has served in an office of the executive branch to which appointed by the President.

''(ii) A person who has served in a Senior Executive Service position.

''(iii) A person who has served in a position in the executive branch in a grade above grade GS–12 under the General Schedule.

''(iv) A commissioned officer of the uniformed services who has served in a position involving the performance of official duties described in subparagraph (D).

''(C) The period applicable under subparagraph (A) to a person who formerly served in a position described in subparagraph (B) is the two-year period beginning on the date on which the employment or assignment of that person in that position terminated.

''(D) Subparagraph (A) applies, in the case of a person who served in a position described in paragraph (B), with respect to—

''(i) each procurement program of the United States that such person supervised or administered, or for which such person was involved in prescribing any of the requirements to be met by such procurement, in the performance of official duties while serving in such position;

''(ii) each procurement policy of the United States that such person prescribed or administered in the performance of official duties while serving in such position; and

''(iii) each procurement policy of the United States on which such person, in the performance of official duties, contributed recommendations in the formulation of such policy.''; and

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

''(6)(A) As a condition for employment or assignment of a person in a Federal Government position described in paragraph (1) or paragraph (2)(B), that person shall enter into an agreement with the Director of the Office of Government Ethics to comply with the restriction on acceptance of compensation provided in paragraph (1) or (2), respectively. The agreement shall include a clause that requires the person, upon separation from active service in the Federal Government, to file with the Office of Government Ethics a declaration of all programs, projects, activities, and (in the case of a person to whom paragraph (2) applies) policies on which the person performed official duties that disqualify such person from accepting compensation from affected contractors under paragraph (1) or (2), and the dates on which the person performed work on such programs, projects, activities, and policies.

''(B) Before accepting a position as an employee, officer, director, or consultant of a contractor, a person referred to in subparagraph (A) shall provide the contractor with a copy of the declaration filed by that person with the Office of Government Ethics under such subparagraph. The person may not accept the position unless an officer of the contractor authorized to do so executes an acknowledgement of receipt of the declaration (including an acknowledgement of receipt of notice of the programs, projects, activities, and policies set forth in that declaration) and the contractor complies with the requirement in subparagraph (C).

''(C) Promptly after executing an acknowledgement under subparagraph (B), the contractor shall file the contractor's acknowledgement with the Office of Government Ethics. A contractor that fails to file such an acknowledgement promptly shall be subject to penalties and administrative actions as set forth in subsection (e).

''(D) The Director of the Office of Government Ethics shall make available to the public all declarations filed under subparagraph (A) and all acknowledgements filed under subparagraph (C).

''(E) Promptly after the end of each half of a fiscal year, the Director of the Office of Government Ethics shall submit to Congress a report on the declarations and acknowledgements received under subparagraphs (A) and (C) during such half of a fiscal year. The report shall include the following information:

''(i) A summary of the information included in the declarations and acknowledgements.

''(ii) A summary of the programs, projects, activities, and policies identified in such declarations and acknowledgements as being those on which the persons filing such declarations have performed official duties as described in subparagraph (D), displayed by executive agency in which the persons performed such duties and by the grade of the persons when performing such duties.

''(iii) The number of such persons who are employed by contractors, displayed by executive agency in which such persons performed official duties as described in subparagraph (D) and by grade of the persons when performing such duties.

''(7) In this subsection:

''(A) The term 'contractor' includes any division or affiliate of the contractor.

''(B) The term 'compensation' includes deferred compensation.

''(C) The term 'procurement policy' means a policy prescribed in the implementation of laws that are implemented through the Federal Acquisition Regulation.

''(D) The term 'procurement program' means any program, project, or activity for the procurement of property or services to which the Federal Acquisition Regulation applies.

''(E) The term 'Senior Executive Service position' has the meaning given such term in section 3132(2) of title 5, United States Code.

''(F) The term 'uniformed services' has the meaning given such term in section 101(a)(5) of title 10, United States Code.''.

(b) INCREASED PERIOD OF PROHIBITION FOR OTHER PROCUREMENT PERSONNEL.—Paragraph (1) of such section 27(d) is amended by striking ''one year'' and inserting ''two years''.

(c) EFFECTIVE DATE AND APPLICABILITY.—(1) This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to service in positions in the Federal Government that ends on or after such date.

(2) In the case of a person who, on the date of the enactment of this Act, is serving in a position in the executive branch referred to in subparagraph (A) of paragraph (6) of section 27(d) of the Office of Federal Procurement Policy Act (as added by subsection (a)), the agreement required by subparagraph (B) of such paragraph shall be executed not later than 30 days after such date.

SA 3287. Ms. MIKULSKI (for herself and Mr. SARBANES) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, in the table preceding line 1, insert before the item relating to Naval Surface Warfare Center, Indian Head, Maryland, the following new item:

	Presidential Helicopter Program Support Facility, Naval Air Station, Patuxent River.	$80,000,000

On page 305, in the table preceding line 1, strike ''$815,578,000'' in the amount column and insert ''$895,578,000''.

On page 309, line 11, strike ''$70,000,000'' and insert ''$150,000,000''.

SA 3288. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1055. REDESIGNATION AND MODIFICATION OF AUTHORITIES RELATING TO INSPECTOR GENERAL OF THE COALITION PROVISIONAL AUTHORITY.

(a) REDESIGNATION.—(1) Subsections (b) and (c)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note) are each amended by striking ''Office of the Inspector General of the Coalition Provisional Authority'' and inserting ''Office of the Special Inspector General for Iraq Reconstruction''.

(2) Subsection (c)(1) of such section is further amended by striking ''Inspector General of the Coalition Provisional Authority'' and inserting ''Special Inspector General for Iraq Reconstruction (in this section referred to as the 'Inspector General')''.

(3)(A) The heading of such section is amended to read as follows:

''SEC. 3001. SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION.''.

(B) The heading of title III of such Act is amended to read as follows:

''TITLE III—SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION''.

(b) CONTINUATION IN OFFICE.—The individual serving as the Inspector General of the Coalition Provisional Authority as of the date of the enactment of this Act may continue to serve in that position after that date without reappointment under paragraph (1) of section 3001(c) of the Emergency Supplemental Appropriations Act for Defense and Reconstruction of Iraq and Afghanistan, 2004, but remaining subject to removal as specified in paragraph (4) of that section.

(c) PURPOSES.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking ''of the Coalition Provisional Authority (CPA)'' and inserting ''funded with amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund'';

(2) in paragraph (2)(B), by striking ''fraud'' and inserting ''waste, fraud,''; and

(3) in paragraph (3), by striking ''the head of the Coalition Provisional Authority'' and inserting ''the Secretary of State''.

(d) RESPONSIBILITIES OF ASSISTANT INSPECTOR GENERAL FOR AUDITING.—Subsection (d)(1) of such section is amended by striking ''of the Coalition Provisional Authority'' and inserting ''supported by the Iraq Relief and Reconstruction Fund''.

(e) SUPERVISION.—Such section is further amended—

(1) in subsection (e)(1), by striking ''the head of the Coalition Provisional Authority'' and inserting ''the Secretary of State and the Secretary of Defense'';

(2) in subsection (h)—

(A) in paragraphs (4)(B) and (5), by striking ''head of the Coalition Provisional Authority'' and inserting ''Secretary of State''; and

(B) in paragraph (5), by striking ''at the central and field locations of the Coalition Provisional Authority'' and inserting ''at appropriate locations of the Department of State in Iraq'';

(3) in subsection (j), by striking ''the head of the Coalition Provisional Authority'' each place it appears and inserting ''the Secretary of State''; and

(4) in subsection (k), by striking ''the head of the Coalition Provisional Authority'' each place it appears and inserting ''the Secretary of State''.

(f) DUTIES.—Subsection (f)(1) of such section is amended by striking ''appropriated funds by the Coalition Provisional Authority in Iraq'' and inserting ''amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund''.

(g) COORDINATION WITH INSPECTOR GENERAL OF DEPARTMENT OF STATE.—Subsection (f) of such section is further amended striking paragraphs (4) and (5) and inserting the following new paragraph (4):

''(4) In carrying out the duties, responsibilities, and authorities of the Inspector General under this section, the Inspector General shall coordinate with, and receive the cooperation of, each of the following:

''(A) The Inspector General of the Department of Defense.

''(B) The Inspector General of the United States Agency for International Development.

''(C) The Inspector General of the Department of State.''.

(h) REPORTS.—Subsection (i) of such section is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''and every calendar quarter thereafter,'' and all that follows through ''the Coalition Provisional Authority'' and inserting ''again on July 30, 2004, and every year thereafter, the Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Inspector General and the programs and operations funded with amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund'';

(B) in subparagraph (B), by striking ''the Coalition Provisional Authority'' and inserting ''the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable,'';

(C) in subparagraph (E), by striking ''appropriated funds'' and inserting ''such amounts''; and

(D) in subparagraph (F), by striking ''the Coalition Provisional Authority'' and inserting ''the contracting department or agency'';

(2) in paragraph (2), by striking ''by the Coalition Provisional Authority'' and inserting ''by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund'';

(3) in paragraph (3), by striking ''June 30, 2004'' and inserting ''July 30, 2004''; and

(4) in paragraph (4), by striking ''the Coalition Provisional Authority'' and inserting ''the Department of State''.

(i) TERMINATION.—Subsection (o) of such section is amended to read as follows:

''(o) TERMINATION.—The Office of the Inspector General shall terminate on the date that is 10 months after the date, as determined by the Secretary of State, on which 80 percent of the amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund by chapter 2 of title II of this Act have been obligated.''.

SA 3289. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, between lines 7 and 8, insert the following:

SEC. 304. AMOUNT FOR ONE SOURCE MILITARY COUNSELING AND REFERRAL HOTLINE.

(a) AUTHORIZATION OF APPROPRIATION OF ADDITIONAL AMOUNT.—The amount authorized to be appropriated under section 301(5) is hereby increased by $10,000,000, which shall be available (in addition to other amounts available under this Act for the same purpose) only for the Department of Defense One Source counseling and referral hotline.

(b) OFFSETTING REDUCTION.—The amount authorized to be appropriated under section 421 is hereby reduced by $10,000,000, to be derived from the amount for military personnel, Air Force.

SA 3290. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 22, insert the following:

SEC. 867. SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO THE DEPARTMENT OF DEFENSE SOLE SOURCE CONTRACT FOR THE RECONSTRUCTION OF IRAQ.

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

(1) The effective reconstruction of Iraq and efficient use of taxpayer dollars are best served by competitive, transparent, and accountable contracting practices.

(2) In March 2003, in highly unusual circumstances, the Army Corps of Engineers awarded a sole source contract to Halliburton for the repair of potential oil infrastructure damage during the war.

(3) This noncompetitive contract grew in scope and size to $2,500,000,000 until it was competed 10 months later as two successor contracts.

(4) Recent reports reveal that the award of the no-bid contract to Halliburton before the war was coordinated with the Vice President, that company's former Chief Executive Officer.

(5) It is in the public interest for Congress to call for the appointment of a special counsel of integrity and stature, with independence from the administration, to conduct an

investigation into the coordination of this contract between the Office of the Vice President and the Department of Defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that a special counsel of the highest integrity and stature should be appointed to conduct a fair, independent, and thorough investigation of the circumstances involved in the selection of Halliburton on a sole source basis for the March 2003 award of the Army Corps of Engineers contract for the repair of potential oil infrastructure damage in Iraq and the involvement of the Office of the Vice President in the selection of Halliburton for such contract.

SA 3291. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 364. PROTOCOL ON MEDIA COVERAGE OF RETURN TO UNITED STATES OF REMAINS OF MEMBERS OF THE ARMED FORCES KILLED OVERSEAS.

(a) PROTOCOL REQUIRED.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall develop a protocol that permits media coverage of the return to the United States of the coffins containing the remains of members of the Armed Forces who are killed overseas.

(2) The protocol shall ensure the preservation of the dignity of the occasion of the return to the United States of members of the Armed Forces who are killed overseas.

(3) The protocol shall ensure the preservation of the confidentiality of the identity of each member of the Armed Forces whose remains are returning to the United States.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a copy of the protocol developed under subsection (a).

SA 3292. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, and insert the following:

SEC. _____. WAR PROFITEERING PREVENTION.

(a) PROHIBITION OF PROFITEERING.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts

''(a) PROHIBITION.—

''(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities in Iraq, Afghanistan, or any other country in which members of the United States Armed Forces are engaged in any military or combat activities, knowingly and willfully—

''(A) executes or attempts to execute a scheme or artifice to defraud the United States or Iraq, Afghanistan, or such other country;

''(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

''(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

''(D) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities in Iraq, Afghanistan, or such other country,

shall be fined under paragraph (2), imprisoned not more than 20 years, or both.

''(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

''(A) $1,000,000; or

''(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

''(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

''(c) VENUE.—A prosecution for an offense under this section may be brought—

''(1) in accordance with chapter 211;

''(2) in any district where any act in furtherance of the offense took place; or

''(3) in any district where any party to the contract or provider of goods or services is located.''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts.''

(c) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting ''1038,'' after ''1032,''.

(d) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking ''or 1030'' and inserting ''1030, or 1038''.

(e) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''section 1038 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts),'' after ''liquidating agent of financial institution),''.

SA 3293. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. COMPTROLLER GENERAL ANALYSIS OF USE OF TRANSITIONAL BENEFIT CORPORATIONS IN CONNECTION WITH COMPETITIVE SOURCING OF PERFORMANCE OF DEPARTMENT OF DEFENSE ACTIVITIES AND FUNCTIONS.

(a) REQUIREMENT FOR ANALYSIS.—Not later than February 1, 2005, the Comptroller General shall submit to Congress an analysis of the potential for use of transitional benefit corporations in connection with competitive sourcing of the performance of activities and functions of the Department of Defense.

(b) SPECIFIC ISSUES.—The analysis under this section shall—

(1) address the capabilities of transitional benefit corporations—

(A) to preserve human capital and surge capability;

(B) to promote economic development and job creation;

(C) to generate cost savings; and

(D) to generate efficiencies that are comparable to or exceed the efficiencies that result from competitive sourcing carried out by the Department of Defense under the procedures applicable to competitive sourcing by the Department of Defense; and

(2) identify areas within the Department of Defense in which transitional benefit corporations could be used to add value, reduce costs, and provide opportunities for beneficial use of employees and other resources that are displaced by competitive sourcing of the performance of activities and functions of the Department of Defense.

(d) TRANSITIONAL BENEFIT CORPORATION DEFINED.—In this section, the term ''transitional benefit corporation'' means a corporation that facilitates the transfer of designated (usually underutilized) real estate, equipment, intellectual property, or other assets of the United States to the private sector in a process that enables employees of the United States in positions associated with the use of such assets to retain eligibility for Federal employee benefits and to continue to accrue those benefits.

SA 3294. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 163, between lines 19 and 20, insert the following:

''(c) INAPPLICABILITY TO CONTRACTS FOR CERTAIN SERVICES.—This section does not apply to procurements of the following services:

''(1) Printing, binding, or blank-book work to which section 502 of title 44 applies.

''(2) Services available under the FEDLINK program pursuant to section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 114 Stat. 2187; 2 U.S.C. 182c).

SA 3295. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. AERIAL FIREFIGHTING EQUIPMENT.

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

(1) The National Interagency Fire Center does not possess an adequate number of aircraft for use in aerial firefighting and personnel at the Center rely on military aircraft to provide such firefighting services.

(2) It is in the national security interest of the United States for the National Interagency Fire Center to purchase aircraft for use in aerial firefighting so that military aircraft used for aerial firefighting may be available for use by the Armed Forces.

(b) AUTHORITY TO PURCHASE AERIAL FIREFIGHTING EQUIPMENT.—(1) The Secretary of Agriculture is authorized to purchase 10 aircraft, as described in paragraph (2), for the National Interagency Fire Center for use in aerial firefighting.

(2) The aircraft referred to in paragraph (1) shall be—

(A) aircraft that are specifically designed and built for aerial firefighting;

(B) certified by the Administrator of the Federal Aviation Administration for use in aerial firefighting; and

(C) manufactured in a manner that is consistent with the recommendations for aircraft used in aerial firefighting contained in—

(i) the Blue Ribbon Panel Report to the Chief of the Forest Service and the Director of the Bureau of Land Management dated December 2002; and

(ii) the Safety Recommendation of the Chairman of the National Transportation Safety Board related to aircraft used in aerial firefighting dated April 23, 2004.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture for fiscal year 2005 such funds as may be necessary to purchase the 10 aircraft described in subsection (b).

SA 3296. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. GRANT OF FEDERAL CHARTER TO KOREAN WAR VETERANS ASSOCIATION, INCORPORATED.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended—

(1) by striking the following:

"CHAPTER 1201—[RESERVED]"; and

(2) by inserting the following:

"CHAPTER 1201—KOREAN WAR VETERANS ASSOCIATION, INCORPORATED

"Sec.

''120101. Organization.
''120102. Purposes.
''120103. Membership.
''120104. Governing body.
''120105. Powers.
''120106. Restrictions.
''120107. Duty to maintain corporate and tax-exempt status.
''120108. Records and inspection.
''120109. Service of process.
''120110. Liability for acts of officers and agents.
''120111. Annual report.

"§ 120101. Organization

''(a) FEDERAL CHARTER.—Korean War Veterans Association, Incorporated (in this chapter, the 'corporation'), incorporated in the State of New York, is a federally chartered corporation.

''(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) expires.

"§ 120102. Purposes

''The purposes of the corporation are as provided in its articles of incorporation and include—

''(1) organizing, promoting, and maintaining for benevolent and charitable purposes an association of persons who have seen honorable service in the Armed Forces during the Korean War, and of certain other persons;

''(2) providing a means of contact and communication among members of the corporation;

''(3) promoting the establishment of, and establishing, war and other memorials commemorative of persons who served in the Armed Forces during the Korean War; and

''(4) aiding needy members of the corporation, their wives and children, and the widows and children of persons who were members of the corporation at the time of their death.

"§ 120103. Membership

''Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

"§ 120104. Governing body

''(a) BOARD OF DIRECTORS.—The board of directors of the corporation, and the responsibilities of the board of directors, are as provided in the articles of incorporation of the corporation.

''(b) OFFICERS.—The officers of the corporation, and the election of the officers of the corporation, are as provided in the articles of incorporation.

"§ 120105. Powers

''The corporation has only the powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

"§ 120106. Restrictions

''(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

''(b) POLITICAL ACTIVITIES.—The corporation, or a director or officer of the corporation as such, may not contribute to, support, or participate in any political activity or in any manner attempt to influence legislation.

''(c) LOAN.—The corporation may not make a loan to a director, officer, or employee of the corporation.

''(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval, or the authority of the United States, for any of its activities.

"§ 120107. Duty to maintain corporate and tax-exempt status

''(a) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the State of New York.

''(b) TAX-EXEMPT STATUS.—The corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

"§ 120108. Records and inspection

''(a) RECORDS.—The corporation shall keep—

''(1) correct and complete records of account;

''(2) minutes of the proceedings of its members, board of directors, and committees having any of the authority of its board of directors; and

''(3) at its principal office, a record of the names and addresses of its members entitled to vote on matters relating to the corporation.

''(b) INSPECTION.—A member entitled to vote on matters relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose, at any reasonable time.

"§ 120109. Service of process

''The corporation shall have a designated agent in the District of Columbia to receive service of process for the corporation. Notice to or service on the agent is notice to or service on the Corporation.

"§ 120110. Liability for acts of officers and agents

''The corporation is liable for the acts of its officers and agents acting within the scope of their authority.

"§ 120111. Annual report

''The corporation shall submit an annual report to Congress on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101 of this title. The report may not be printed as a public document.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by striking the item relating to chapter 1201 and inserting the following new item:

''1201. Korean War Veterans Association, Incorporated .....120101''.

SA 3297. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 642. REPEAL OF PHASE-IN OF CONCURRENT RECEIPT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES RATED AS TOTAL.

Section 1414 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by inserting after the first sentence the following new sentence: ''During the period beginning on January 1, 2004, and ending on December 31, 2004, payment of retired pay to such a qualified retiree described in subsection (c)(1)(A) is subject to subsection (c).''; and

(B) in the last sentence, by inserting ''(other than a qualified retiree covered by the preceding sentence)'' after ''such a qualified retiree''; and

(2) in subsection (c)—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10) the following new paragraph (11):

''(11) INAPPLICABILITY TO VETERANS WITH TOTAL DISABILITIES AFTER CALENDAR YEAR 2004.—This subsection shall not apply to a qualified retiree described by paragraph (1)(A) after calendar year 2004.''.

SA 3298. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year

for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 305, in the table preceding line 1, insert before the item relating to Naval Air Station, Fallon, Nevada, the following:

	Indian Springs Air Force Auxiliary Field.	$8,000,000

On page 305, in the table preceding line 1, strike the amount identified as the total in the amount column and insert ''$823,578,000''.

On page 307, line 8, strike ''$1,825,576,000'' and insert ''$1,833,576,000''.

On page 307, line 11, strike ''$676,198,000'' and insert ''$684,198,000''.

SA 3299. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 642. EXTENSION OF PHASED-IN CONCURRENT PAYMENT OF RETIRED PAY AND VETERANS' DISABILITY COMPENSATION TO MILITARY RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED AS 40 PERCENT.

(a) EXTENSION.—Section 1414 of title 10, United States Code, is amended—

(1) in subsection (a)(2), by striking ''50 percent'' and inserting ''40 percent''; and

(2) in subsection (c)(1), by adding at the end the following new subparagraph:

''(G) For a month for which the retiree receives veterans' disability compensation for a disability rated as 40 percent, $____.''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended by striking ''**50 percent**'' and inserting ''**40 percent**.

(2) The table of sections at the beginning of chapter 71 of such title is amended in the item relating to section 1414 by striking ''50 percent'' and inserting ''40 percent''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect as of January 1, 2005, and shall apply to payments for months beginning on or after that date.

(2) CONSTRUCTION OF CERTAIN AMENDMENT.—The addition of subparagraph (G) to paragraph (1) of section 1414(c) of title 10, United States Code, by reason of the amendment made by subsection (a)(2) shall not be treated as entitling a military retiree described by such subparagraph to concurrent receipt of retired pay and veterans' disability compensation under such paragraph during calendar year 2004, but is added to facilitate the calculation of the amount of concurrent receipt of such pay and compensation to which such a military retiree shall be entitled under such section during calendar years 2005 through 2013.

SEC. 643. COORDINATION OF ELIGIBILITY UNDER COMBAT-RELATED SPECIAL COMPENSATION AUTHORITY AND DISABLED MILITARY RETIREE COMPENSATION AUTHORITY FOR CHAPTER 61 DISABILITY RETIREES.

(a) COORDINATION OF ELIGIBILITY.—Paragraph (3) of subsection (b) of section 1413a of title 10, United States Code, is amended to read as follows:

''(3) SPECIAL RULES FOR CHAPTER 61 DISABILITY RETIREES.—

''(A) CAREER RETIREES.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with 20 or more years of service otherwise creditable under section 1405 of this title, or at least 20 years of service computed under section 12732 of this title, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

''(B) DISABILITY RETIREES WITH LESS THAN 20 YEARS OF SERVICE.—Paragraph (1) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title, or with less than 20 years of service computed under section 12732 of this title, at the time of the member's retirement.''.

(b) CONFORMING AMENDMENT.—Subsection (c) of section 1413a is amended by striking ''is a member of the uniformed services entitled to retired pay'' and all that follows and inserting ''is a member of the uniformed services (other than a member described by subsection (b)(3)(B)) entitled to retired pay who has a combat-related disability.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of January 1, 2005, and shall apply to payments for months beginning on or after that date.

SA 3300. Mr. GRAHAM of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. AMENDMENTS TO HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) GROUND FOR INADMISSIBILITY FOR DOCUMENT FRAUD DOES NOT APPLY.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (d)(1)(D) by inserting ''(6)(C)(i),'' after ''(6)(A),''.

(b) DETERMINATION WITH RESPECT TO CHILDREN.—Section 902(d) of such Act (8 U.S.C. 1255 note) is amended by adding at the end the following:

''(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

''(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an alien is a child of a parent shall be made using the age and status of the alien on the date of enactment of this section.

''(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application filed under this subsection based on an alien's status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.''.

(c) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note), an alien who is eligible for adjustment of status under that Act, as amended by subsections (a) and (b), may submit an application for adjustment of status under that Act not later than the later of—

(A) 2 years after the date of enactment of this Act; or

(B) 1 year after the date on which final regulations implementing this Act are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary of Homeland Security shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) that are affected by the amendments made by subsections (a) and (b).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1) or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens who filed applications for adjustment of status under that Act before April 1, 2000.

SA 3301. Mr. NELSON of Nebraska (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, between lines 14 and 15, insert the following:

SEC. 217. DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Of the amounts authorized to be appropriated for fiscal year 2005 by section 201(4) for research, development, test, and evaluation for Defense-wide activities, $25,000,000 shall be made available for Program Element 0601114D8Z for the Defense Experimental Program to Stimulate Competitive Research.

SA 3302. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. INCREASE IN MAXIMUM AMOUNT OF VETERANS HOME LOAN GUARANTY FOR CONSTRUCTION AND PURCHASE OF HOMES AND ANNUAL INDEXING OF AMOUNT.

(a) MAXIMUM LOAN GUARANTY BASED ON 100 PERCENT OF FREDDIE MAC CONFORMING LOAN RATE.—Section 3703(a)(1) of title 38, United States Code, is amended by striking ''$60,000'' each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting ''the

maximum guaranty amount (as defined in subparagraph (C))''.

(b) DEFINITION.—Such section is further amended by adding at the end the following new subparagraph:

''(C) In this paragraph, the term 'maximum guaranty amount' means the dollar amount that is equal to 25 percent of the Freddie Mac conforming loan limit limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a single-family residence, as adjusted for the year involved.''.

SA 3303. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, between lines 9 and 10, insert the following:

SEC. 642. REDUCTION IN AGE FOR RECEIPT OF MILITARY RETIRED PAY FOR NON-REGULAR SERVICE.

(a) REDUCTION IN AGE.—Section 12731(a)(1) of title 10, United States Code, is amended by striking ''at least 60 years of age'' and inserting ''at least 55 years of age''.

(b) APPLICATION TO EXISTING PROVISIONS OF LAW OR POLICY.—With respect to any provision of law, or of any policy, regulation, or directive of the executive branch, that refers to a member or former member of the uniformed services as being eligible for, or entitled to, retired pay under chapter 1223 of title 10, United States Code, but for the fact that the member or former member is under 60 years of age, such provision shall be carried out with respect to that member or former member by substituting for the reference to being 60 years of age a reference to the age in effect for qualification for such retired pay under section 12731(a) of title 10, United States Code, as amended by subsection (a).

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and shall apply to retired pay payable for that month and subsequent months.

SA 3304. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1055. PROMOTING SOVEREIGNTY AND SELF-GOVERNANCE IN IRAQ.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Government of the United States should seek to encourage the Government of Iraq to exercise the roles and responsibilities of full sovereign authority in Iraq on the earliest possible date.

(b) REPORTS TO CONGRESS.—(1) Not later than 30 days after the date of the enactment of this Act, and not less often than once during each 90-day period thereafter until the President submits the certification described in paragraph (3), the President shall submit to Congress a report on the responsibilities and activities of the United States policy advisors in Iraq, the role of the United Nations in Iraq, and the progress of the authorities in Iraq in exercising the roles and responsibilities of full sovereign authority.

(2) The reports required by paragraph (1) shall include a description of the following:

(A) The responsibilities of United States policy advisors in Iraq, including the name of any state institutions of Iraq with which such advisors are working.

(B) Any law, directive, policy, regulation, rule, or international agreement prepared by a United States policy advisor and submitted to a state institution of Iraq or an official of such institution.

(C) Any action taken by a United States policy advisor to identify or select individuals in Iraq to lead or serve in state institutions of Iraq or to increase the effectiveness and capacity of such individuals or institutions.

(D) The role of United Nations officials in Iraq with regard to—

(i) any law, directive, policy, regulation, rule, or international agreement; or

(ii) any identification or selection of individuals in Iraq to lead or serve in state institutions of Iraq or to increase the effectiveness and capacity of such individuals or institutions.

(E) Progress made by officials of the Government of Iraq in exercising the roles and responsibilities of full sovereign authority, including progress made in taking full responsibility for—

(i) formulating, promulgating, and implementing the laws, directives, policies, regulations, rules or international agreements for the governance of Iraq; and

(ii) identifying and selecting the leadership and staff of the state institutions of Iraq.

(3) The certification referred to in paragraph (1) is a certification submitted to Congress by the President that a democratically elected Government of Iraq has assumed power pursuant to a permanent constitution.

(4) The reports required by paragraph (1) shall be submitted in an unclassified form and may include a classified annex, if such an annex is necessary to protect the national security of the United States.

(5) In this subsection:

(A) The term ''law, directive, policy, regulation, rule, or international agreement'' includes any law, directive, policy, regulation, rule, or international agreement related to—

(i) the budget of the Government of Iraq, including any revenue and expenditure of such Government, the disposition of any asset held by the Development Fund for Iraq established by United Nations Security Council Resolution 1483 (2003) or any successor fund, and any contract or procurement made by the Government of Iraq;

(ii) elections, political parties, or the media in Iraq, or the exercise of civil liberties by the people of Iraq;

(iii) the constitution of Iraq or the establishment of the legislature, executive, and judiciary, including related judicial procedures, of the Government of Iraq; or

(iv) the police, security, or military forces of Iraq.

(B) The term ''state institution of Iraq'' includes—

(i) any agency, department, ministry, office, or other entity controlled by the executive branch of the Government of Iraq;

(ii) the police, security, or military forces of Iraq;

(iii) a company or enterprise owned or operated by the Government of Iraq;

(iv) any entity controlled by the legislative or judicial branch of the Government of Iraq;

(v) any election commission or other entity responsible for the regulation of elections or political parties in Iraq; and

(vi) any convention or committee responsible for the drafting of the constitution of Iraq.

(C) The term ''United States policy advisor'' means an individual who is engaged in formulating and recommending policies that will be carried out by a state institution of Iraq, or who will be involved in identifying or selecting leadership or staff of a state institution of Iraq and who—

(i) is employed by the Government of the United States; or

(ii) has entered into a contract to provide assistance to a state institution of Iraq with the Government of the United States or an organization or company which has received funding from the Government of the United States.

(c) PUBLICATION OF THE OFFICIAL GAZETTE.—(1) The Secretary of State shall work with the appropriate officials of the Government of Iraq to help ensure that—

(A) the publication of the official gazette begins immediately after the date on which the United States transfers political sovereignty in Iraq from the Coalition Provisional Authority to the Government of Iraq;

(B) the content of each official gazette that is published is—

(i) disseminated to the broadest possible audience; and

(ii) made available to the public by posting such content on an Internet website maintained by the Government of Iraq; and

(C) the official gazette is published and the content posted on the website described in subparagraph (B) on a regular basis.

(2) The Secretary of State shall maintain on the Internet website of the Department of State an English language translation of each official gazette that is published.

(3) The term ''official gazette'' means the official gazette referred to in Article 30(B) of the Law of Administration for the State of Iraq for the Transitional Period of March 8, 2004, or similarly designated in any subsequent applicable law or regulation.

SA 3305. Mr. WYDEN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 194, after line 22, insert the following:

SEC. 867. CONTRACTOR PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) LIMITATION.—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2382 the following new section:

''§ 2383. Contractor performance of acquisition functions closely associated with inherently governmental functions

''(a) LIMITATION.—The head of an agency may enter a contract for the performance of acquisition functions closely associated with inherently governmental functions only if the Secretary determines that—

''(1) appropriate military or civilian personnel of the Department of Defense cannot reasonably be made available to perform the functions;

''(2) appropriate military or civilian personnel of the Department of Defense are—

''(A) to supervise contractor performance of the contract; and

''(B) to perform all inherently governmental functions associated with the functions to be performed under the contract; and

''(3) the contractor does not have an organizational conflict of interest or the appearance of an organizational conflict of interest in the performance of the functions under the contract.

''(b) DEFINITIONS.—In this section:

''(1) The term 'head of an agency' has the meaning given such term in section 2302(1) of this title, except that such term does not include the Secretary of Homeland Security or the Administrator of the National Oceanic and Atmospheric Administration.

''(2) The term 'inherently governmental functions' has the meaning given such term in subpart 7.5 of part 7 of the Federal Acquisition Regulation.

''(3) The term 'functions closely associated with inherently governmental functions' means the functions described in section 7.503(d) of the Federal Acquisition Regulation.

''(4) The term 'organizational conflict of interest' has the meaning given such term in subpart 9.5 of part 9 of the Federal Acquisition Regulation.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2382 the following new item:

''2383. Contractor performance of acquisition functions closely associated with inherently governmental functions.''.

(b) EFFECTIVE DATE AND APPLICABILITY.—Section 2383 of title 10, United States Code (as added by subsection (a)), shall take effect on the date of enactment of this Act and shall apply to—

(1) contracts entered into on or after such date;

(2) any task or delivery order issued on or after such date under a contract entered into before, on, or after such date; and

(3) any decision on or after such date to exercise an option or otherwise extend a contract for program management or oversight of contracts for the reconstruction of Iraq, regardless of whether such program management or oversight contract was entered into before, on, or after the date of enactment of this Act.

SA 3306. Mr. WYDEN (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 868. REQUIREMENTS AND LIMITATIONS ON OVERSIGHT CONTRACTS RELATING TO IRAQ.

(a) NON-RENEWABILITY OF CURRENT OVERSIGHT CONTRACTS.—The Secretary of Defense may not renew or extend any oversight contract entered into by the Coalition Provisional Authority (CPA), or any successor entity, after the initial expiration of such contract, notwithstanding any term or provision of such contract to the contrary.

(b) PROHIBITION ON FUTURE ENTRY INTO OVERSIGHT CONTRACTS.—(1) It is the policy of the United States Government that the oversight of contractors of the United States Government is an inherently governmental function.

(2) The Secretary may not, after the date of the enactment of this Act—

(A) enter into an oversight contract with respect to Iraq reconstruction, repair, or maintenance contracts; or

(B) enter into any contract or arrangement similar to an oversight contract with respect to any reconstruction, repair, or maintenance contract of the Department of Defense in any other location.

(c) OVERSIGHT BY INSPECTOR GENERAL OF COALITION PROVISIONAL AUTHORITY.—(1) Subsection (e)(1) of section 3001 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1234; 5 U.S.C. App. 3 section 8G note) is amended by striking ''the head of the Coalition Provisional Authority'' and inserting ''the Secretary of Defense, acting through the United States Chief of Mission in Iraq''.

(2) Such section is further amended—

(A) in subsection (j)—

(i) in paragraph (1), by striking ''the head of the Coalition Provisional Authority'' and inserting ''the United States Chief of Mission in Iraq who shall transmit the report to the Secretary of Defense'';

(ii) in paragraph (2), by striking ''the head of the Coalition Provisional Authority'' each place it appears and inserting ''the Secretary''; and

(B) Subsection (k)—

(i) in paragraph (1), by striking ''the head of the Coalition Provisional Authority'' and inserting ''the Secretary of Defense''; and

(ii) in paragraph (2), by striking ''the head of the Coalition Provisional Authority'' and inserting ''the Secretary''.

(3) Such section is further amended—

(A) by redesignating subsections (m) and (n) as subsections (n) and (o), respectively; and

(B) by inserting after subsection (l) the following new subsection (m):

''(m) EXPIRATION.—The Office of the Inspector General of the Coalition Provisional Authority shall terminate 90 days after the date, as determined by the Secretary of Defense, on which all contracts of the Coalition Provisional Authority, or any successor entity, for the reconstruction of Iraq have expired.''.

(4) The amendments made by this subsection shall take effect on the later of—

(A) June 30, 2004; or

(B) the date of the enactment of this Act.

(d) DEFINITIONS.—In this section:

(1) The term ''oversight contract'' means a contract between the Coalition Provisional Authority, or any successor entity, and a non-governmental entity pursuant to which the non-governmental entity provides, through personnel of the non-governmental entity, dedicated program management and coordination support activities (including oversight, evaluation, and coordination of the performance of contracts by non-governmental entities) with respect to Iraq reconstruction, repair, or maintenance contracts, including but not limited to contracts as follows:

(A) The contract awarded to AECOM, in the amount of $21,610,501 to provide support to manage the activities of the 6 sector program offices and report to the Coalition Provisional Authority Program Management Office.

(B) The contract awarded on March 10, 2004, to CH2M Hill/Parsons in the amount of $28,494,672 to provide dedicated support to the Public Works and Water Sector Program Management Office under the Coalition Provisional Authority Program Management Office.

(C) The contract awarded on March 10, 2004, to Berger/URS in the amount of $8,458,350 to provide dedicated support to the Transportation/Communication Sector Program Management Office under the Coalition Provisional Authority Program Management Office.

(D) The contract awarded on March 10, 2004, to Berger/URS in the amount of $8,458,350 to provide dedicated support to the Security/Justice Sector Program Management Office under the Coalition Provisional Authority Program Management Office.

(E) The contract awarded on March 10, 2004, to Berger/URS in the amount of $10,754,664 to provide dedicated support to the Buildings/Education/Health Sector Program Management Office under the Coalition Provisional Authority Program Management Office.

(F) The contract awarded on March 10, 2004, to Iraq Power Alliance Joint Venture in the amount of $43,361,340 to provide dedicated support to the Electrical Services Sector Program Management Office under the Coalition Provisional Authority Program Management.

(G) The contract awarded on March 10, 2004, to Foster Wheeler, in the amount of $8,416,985 to provide dedicated support to the Oil Sector Program Management Office under the Coalition Provisional Authority Program Management Office.

(2) The term ''Iraq reconstruction, repair, or maintenance contracts'' means contracts or other agreements entered into with public or private entities for reconstruction, repair, or maintenance activities in or related to Iraq.

SA 3307. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1055. COMPENSATION FOR FORMER PRISONERS OF WAR.

Any plan of the Secretary of Defense to provide compensation to an individual who was injured in a military prison under the control of the United States in Iraq shall include a provision to address the injuries suffered by the 17 citizens of the United States who were held as prisoners of war by the regime of Saddam Hussein during the First Gulf War.

SA 3308. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1022. REPORT ON MILITARY AND SECURITY END STATE IN IRAQ.

(a) REPORT REQUIRED.—(1) Not later than March 31, 2005, the Secretary of Defense shall

submit to the congressional defense committees a report on the military and security end state in Iraq.

(2) The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the Commander of the United States Central Command, and such other officials as the Secretary considers appropriate.

(b) CONTENT.—The report shall include the following:

(1) A description of the desired United States military and security end state in Iraq, including minimal and desirable levels of policing and border control capabilities of Iraqis in Iraq, the counterinsurgency capabilities of Iraq security forces, the role and place of militias and other ethnic-based, tribal-based, or communal-based armed groups in Iraq in maintaining national cohesion in Iraq, and the level of politically-inspired violence in Iraq in such an end state.

(2) A description of a series of event-driven milestones to evaluate progress toward the end state described in paragraph (1).

(3) An outline of objective and subjective metrics to support the milestones described in paragraph (2).

(4) An estimate of the number of United States and coalition military forces and the level of funding necessary to achieve the end state described in paragraph (1).

(5) An explanation of the key assumptions underlying the estimate described in paragraph (4).

(6) A presentation of at least two alternative scenarios for the assessments made in paragraphs (4) and (5).

(c) FORM OF REPORT.—The report shall be submitted in unclassified form, but may include a classified annex.

SA 3309. Mr. DODD (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

DIVISION D—ASSISTANCE TO FIREFIGHTERS

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Assistance to Firefighters Act of 2004''.

SEC. 4002. AUTHORITY OF SECRETARY OF HOMELAND SECURITY FOR FIREFIGHTER ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subsection (b)(1) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended by striking ''Director'' in the matter preceding subparagraph (A) and inserting ''Secretary of Homeland Security, in consultation with the Administrator,''.

(b) CONFORMING AMENDMENT.—Such section is further amended by striking ''Director'' each place it appears and inserting ''Secretary of Homeland Security''.

(c) TECHNICAL AMENDMENT.—The heading of subsection (b)(8) of such section is amended by striking ''DIRECTOR'' and inserting ''SECRETARY''.

SEC. 4003. GRANTS TO VOLUNTEER EMERGENCY MEDICAL SERVICE ORGANIZATIONS.

(a) AUTHORITY TO AWARD GRANTS TO VOLUNTEER EMERGENCY MEDICAL SERVICE SQUADS.—Paragraph (1)(A) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by inserting ''or to volunteer emergency medical service organizations'' after ''fire departments''.

(b) USE OF GRANT FUNDS.—Paragraph (3)(F) of such section is amended by inserting ''or volunteer emergency medical service organizations that are not affiliated with a for-profit entity'' after ''fire departments''.

(c) SPECIAL RULE FOR APPLICATIONS FOR VOLUNTEER EMERGENCY MEDICAL SERVICES.—Paragraph (5) of such section is amended by adding at the end, the following new subparagraph:

''(C) SPECIAL RULE FOR VOLUNTEER EMERGENCY MEDICAL SERVICES.—The Secretary of Homeland Security shall permit an applicant seeking grant funds for volunteer emergency medical services under paragraph (3)(F) to use the same application form to seek grant funds for one or more of the other purposes set out in subparagraphs (A) through (O) of paragraph (3).''.

SEC. 4004. GRANTS FOR AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES.

Paragraph (3) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by adding at the end the following new subparagraph:

''(O) To obtain automated external defibrillator devices.''.

SEC. 4005. CRITERIA FOR REVIEWING GRANT APPLICATIONS.

Paragraph (2) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended to read as follows:

''(2) CRITERIA AND REVIEW OF APPLICATIONS.—

''(A) PRELIMINARY REVIEW CRITERIA.—

''(i) IN GENERAL.—The Secretary of Homeland Security shall establish specific criteria for the preliminary review of an application submitted under this section. If an application does not meet such criteria, the application may not receive further consideration for a grant under this section.

''(ii) ANNUAL REVIEW OF CRITERIA.—Not less often than once each year, the Secretary of Homeland Security, in consultation with the Administrator, shall convene a meeting of individuals who are members of a fire service and are recognized for expertise in firefighting or in emergency medical services provided by fire services, and who are not employees of the Federal Government for the purpose of reviewing and proposing changes to the criteria established under clause (i).

''(B) SELECTION THROUGH REVIEW BY EXPERTS.—

''(i) REQUIREMENT FOR REVIEW.—The Secretary of Homeland Security shall award grants under this section based on the review of applications for such grants by a panel of fire service personnel appointed by a national organization recognized for expertise in the operation and administration of fire services.

''(ii) ROLE OF THE SECRETARY.—The Secretary of Homeland Security shall provide for the administration of the review panel described in clause (i) and shall ensure that an individual appointed to such panel is a recognized expert in firefighting, medical services provided by fire services, fire prevention, or research on firefighter safety.''.

SEC. 4006. FINANCIAL ASSISTANCE FOR FIREFIGHTER SAFETY PROGRAMS.

(a) AUTHORITY.—Paragraph (1)(B) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by inserting ''and firefighter safety'' after ''prevention''.

(b) EXPANSION OF EXISTING PROGRAM.—

(1) FIREFIGHTER SAFETY ASSISTANCE.—Paragraph (4) of such section is amended—

(A) in subparagraph (A)(ii), by striking ''organizations that are recognized'' and all that follows and inserting ''organizations eligible under subparagraph (B) for the purposes described in subparagraph (C).''; and

(B) by striking subparagraph (B), and inserting the following new subparagraphs:

''(B) ELIGIBILITY FOR ASSISTANCE.—An organization may be eligible for assistance under subparagraph (A)(ii), if such organization is a national, State, local, or community organization that is not a fire service and that is recognized for experience and expertise with respect to programs and activities that promote—

''(i) fire prevention or fire safety; or

''(ii) the health and safety of firefighting personnel.

''(C) USE OF FUNDS.—Assistance provided under subparagraph (A)(ii) shall be used—

''(i) to carry out fire prevention programs; or

''(ii) to fund research to improve the health and safety of firefighting personnel.

''(D) PRIORITY.—In selecting organizations described in subparagraph (B) to receive assistance under this paragraph, the Secretary of Homeland Security shall give priority—

''(i) to organizations that focus on preventing injuries from fire to members of groups at high risk of such injuries, with an emphasis on children; and

''(ii) to organizations that focus on researching methods to improve the health and safety of firefighting personnel.

''(E) ALLOCATION OF FUNDS.—Not less than 66 percent of the total amount of funds made available in a fiscal year to carry out this paragraph shall be made available of the programs described in subparagraph (A)(ii).''.

(2) CONFORMING AMENDMENT.—The heading of such paragraph is amended to read as follows:

''(4) FIRE PREVENTION AND FIREFIGHTER SAFETY PROGRAMS.—''.

(c) AVAILABILITY OF FUNDS FOR FIRE PREVENTION AND FIREFIGHTER SAFETY PROGRAMS.—Paragraph (4)(A) of such section, as amended by subsection (b), is further amended in the matter preceding clause (i), by striking ''5 percent'' and inserting ''6 percent''.

SEC. 4007. ASSISTANCE FOR APPLICATIONS.

Paragraph (5) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)), as amended by section 3(c), is further amended by adding at the end the following new subparagraph:

''(D) ASSISTANCE TO PREPARE AN APPLICATION.—The Secretary of Homeland Security shall provide assistance with the preparation of applications for grants under this section.''.

SEC. 4008. REDUCED REQUIREMENTS FOR MATCHING FUNDS.

(a) AMOUNT REQUIRED.—Paragraph (6) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary of Homeland Security may provide assistance under this subsection only if the applicant for such assistance agrees to match 20 percent of such assistance for any fiscal year with an equal amount of non-Federal funds.

''(B) REQUIREMENT FOR SMALL COMMUNITY ORGANIZATIONS.—In the case of an applicant whose personnel—

''(i) serve jurisdictions of 50,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 10 percent; or

''(ii) serve jurisdictions of 20,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 5 percent.''.

(b) EXCEPTION.—Such paragraph, as amended by subsection (a), is further amended by

adding at the end the following new subparagraph:

''(C) EXCEPTION.—No matching funds may be required under this subsection for assistance provided under subparagraph (A)(ii) of paragraph (4) to an organization described in subparagraph (B) of such paragraph.''.

(c) SPECIAL RULE FOR REQUESTS FOR AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES.—Section 33(b) of such Act is further amended by adding at the end the following new paragraph:

''(13) SPECIAL RULES FOR GRANTS FOR AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES.—

''(A) LIMITATIONS.—The Secretary of Homeland Security shall reduce the percentage of non-Federal matching funds for a grant as described in subparagraph (B) if—

''(i) the applicant is requesting grant funds to obtain one or more automated external defibrillator devices, as authorized by paragraph (3)(O);

''(ii) the award of such grant will result in the applicant possessing exactly one such device for each first-due emergency vehicle operated by the applicant;

''(iii) the applicant certifies to the Secretary of Homeland Security that the applicant possesses, at the time such application is filed, a number of such devices that is less than the number of first-due emergency vehicles operated by the applicant and that the applicant is capable of storing, in a manner conducive to rapid use, such devices on each such vehicle; and

''(iv) the applicant has not previously received a grant under this subsection to obtain such devices.

''(B) MATCHING REQUIREMENTS.—If an applicant meets the criteria set out in clauses (i), (ii), (iii), and (iv) of subparagraph (A), the Secretary of Homeland Security shall reduce the percentage of non-Federal matching funds required by paragraph (6) by 2 percentage points for all assistance requested in the application submitted by such applicant.

''(C) FIRST-DUE DEFINED.—In this paragraph, the term 'first-due' means the firefighting and emergency medical services vehicles that are utilized by a fire service for immediate response to an emergency situation.''.

SEC. 4009. GRANT RECIPIENT LIMITATIONS.

(a) LIMITATIONS ON GRANT AMOUNTS.—Subparagraph (A) of section 33(b)(10) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(10)) is amended to read as follows:

''(A) LIMITATIONS ON GRANT AMOUNT.—

''(i) GENERAL LIMITATION.—Subject to clause (ii), a recipient of assistance under this section may not receive in a fiscal year an amount of such assistance that exceeds the greater of $2,250,000 or the amount equal to 0.5 percent of the total amount of funds appropriated for such assistance for such fiscal year.

''(ii) LIMITATIONS ON BASIS OF POPULATION.—Subject to clause (iii), a recipient of assistance under this section that serves a jurisdiction of less than 1,000,000 individuals may not receive more than $1,500,000 of such assistance for a fiscal year, except that such a recipient that serves a jurisdiction of less than 500,000 individuals may not receive more than $1,000,000 of such assistance during a fiscal year.

''(iii) WAIVER.—With respect to assistance provided in a fiscal year before fiscal year 2007, the Secretary of Homeland Security, in consultation with the Administrator, may waive the limitations set out in clause (ii) if the Secretary determines that a waiver is warranted by an extraordinary need for assistance for fire suppression activities by a jurisdiction, whether such need is caused by the likelihood of terrorist attack, natural disaster, destructive fires occurring over a large geographic area, or some other cause.''.

(b) LIMITATIONS ON GRANTS FOR VOLUNTEER EMERGENCY MEDICAL SERVICES.—Such section, as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

''(C) LIMITATIONS ON EXPENDITURES FOR VOLUNTEER EMERGENCY MEDICAL SERVICES.—Not more than 3.5 percent of the funds appropriated to provide grants under this section for a fiscal year may be awarded to volunteer emergency medical service organizations.''.

SEC. 4010. OTHER CONSIDERATIONS.

Section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)), as amended by section 8, is amended by adding at the end the following new paragraph:

''(14) OTHER CONSIDERATIONS.—In providing assistance under this section, the Secretary of Homeland Security shall—

''(A) consider the extent to which the recipient of such assistance is able to enhance the daily operations of a fire service and to improve the protection of people and property from fire; and

''(B) ensure that such assistance awarded to a volunteer emergency medical service organization will not be used to provide emergency medical services in a geographic area if such services are adequately provided by a fire service in such area.''.

SEC. 4011. REPORTS TO CONGRESS.

(a) STUDY AND REPORT ON ASSISTANCE TO FIREFIGHTERS.—

(1) STUDY.—The Secretary, in conjunction with the National Fire Protection Association, shall conduct a study—

(A) to assess the types of activities that are carried out by fire services;

(B) to determine whether the level of Federal funding made available to fire services is adequate;

(C) to assess categories of services, including emergency medical services, that are not adequately provided by fire services on either the national or State level; and

(D) to measure the effect, if any, of the assistance provided under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) on the needs of fire services identified in the report submitted to Congress under section 1701(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–363).

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the findings of the study described in paragraph (1).

(b) REPORT BY GAO.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on—

(1) the administration of the assistance provided under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229); and

(2) the success of the Secretary in administering the Federal Emergency Management Agency.

(c) REPORT ON WAIVER OF AMOUNT LIMITATIONS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the instances, if any, of the use of the waiver authority set out in section 33(b)(10)(A)(iii) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(10)(A)(iii)), as added by section 9.

(d) DEFINITIONS.—In this section:

(1) FIRE SERVICE.—The term ''fire service'' has the meaning given that term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 4012. TECHNICAL CORRECTIONS.

(a) REPEAL OF DUPLICATIVE DEFINITION.—Subsection (d) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is repealed.

(b) REDESIGNATIONS NECESSITATED BY DUPLICATIVE NUMBERING.—The sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2230 and 2231) that were added by sections 105 and 106 of Public Law 106–503 (114 Stat. 2301) are redesignated as sections 34 and 35, respectively.

SEC. 4013. AUTHORIZATION OF APPROPRIATIONS.

(a) FIREFIGHTER ASSISTANCE PROGRAMS.—Section 33(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(e)) is amended by striking the first sentence and inserting ''There are authorized to be appropriated for the purposes of this section $900,000,000 for fiscal year 2005, $950,000,000 for fiscal year 2006, and $1,000,000,000 for each of the fiscal years 2007 through 2010.''.

(b) STUDY ON ASSISTANCE TO FIREFIGHTERS.—There are authorized to be appropriated to the Secretary of Homeland Security $300,000 for fiscal year 2005 to carry out the requirements of section 4011(a).

SA 3310. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. FEDERAL LAW ENFORCEMENT PAY.

(a) ADJUSTED DIFFERENTIALS.—

(1) IN GENERAL.—Paragraph (1) of section 404(b) of the Federal Law Enforcement Pay Reform Act of 1990 (5 U.S.C. 5305 note) is amended by striking the matter after ''follows:'' and inserting the following:

''Area	Differential
Atlanta Consolidated Metropolitan Statistical Area	16.82%
Boston-Worcester-Lawrence, MA–NH–ME–CT–RI Consolidated Metropolitan Statistical Area	24.42%
Chicago-Gary-Kenosha, IL–IN–WI Consolidated Metropolitan Statistical Area	25.68%
Cincinnati-Hamilton, OH–KY–IN Consolidated Metropolitan Statistical Area	21.47%
Cleveland Consolidated Metropolitan Statistical Area	17.83%
Columbus Consolidated Metropolitan Statistical Area	16.90%
Dallas Consolidated Metropolitan Statistical Area	18.51%
Dayton Consolidated Metropolitan Statistical Area	15.97%
Denver-Boulder-Greeley, CO Consolidated Metropolitan Statistical Area	22.78%
Detroit-Ann Arbor-Flint, MI Consolidated Metropolitan Statistical Area	25.61%
Hartford, CT Consolidated Metropolitan Statistical Area	24.47%
Houston-Galveston-Brazoria, TX Consolidated Metropolitan Statistical Area	30.39%
Huntsville Consolidated Metropolitan Statistical Area	13.29%

"Area	Differential
Indianapolis Consolidated Metropolitan Statistical Area	13.38%
Kansas City Consolidated Metropolitan Statistical Area	14.11%
Los Angeles-Riverside-Orange County, CA Consolidated Metropolitan Statistical Area	27.25%
Miami-Fort Lauderdale, FL Consolidated Metropolitan Statistical Area	21.75%
Milwaukee Consolidated Metropolitan Statistical Area	17.45%
Minneapolis-St. Paul, MN–WI Consolidated Metropolitan Statistical Area	20.27%
New York-Northern New Jersey-Long Island, NY–NJ–CT–PA Consolidated Metropolitan Statistical Area	27.11%
Orlando, FL Consolidated Metropolitan Statistical Area	14.22%
Philadelphia-Wilmington-Atlantic City, PA–NJ–DE–MD Consolidated Metropolitan Statistical Area	21.03%
Pittsburgh Consolidated Metropolitan Statistical Area	14.89%
Portland-Salem, OR–WA Consolidated Metropolitan Statistical Area	20.96%
Richmond Consolidated Metropolitan Statistical Area	16.46%
Sacramento-Yolo, CA Consolidated Metropolitan Statistical Area	20.77%
San Diego, CA Consolidated Metropolitan Statistical Area	22.13%
San Francisco-Oakland-San Jose, CA Consolidated Metropolitan Statistical Area	32.98%
Seattle-Tacoma-Bremerton, WA Consolidated Metropolitan Statistical Area	21.18%
St. Louis Consolidated Metropolitan Statistical Area	14.69%
Washington-Baltimore, DC–MD–VA–WV Consolidated Metropolitan Statistical Area	19.48%
Rest of United States Consolidated Metropolitan Statistical Area	14.19%".

(2) SPECIAL RULES.—For purposes of the provision of law amended by paragraph (1)—

(A) the counties of Providence, Kent, Washington, Bristol, and Newport, RI, the counties of York and Cumberland, ME, and the city of Concord, NH, shall be treated as if located in the Boston-Worcester-Lawrence, MA–NH–ME–CT–RI Consolidated Metropolitan Statistical Area; and

(B) members of the Capitol Police shall be considered to be law enforcement officers within the meaning of section 402 of the Federal Law Enforcement Pay Reform Act of 1990.

(3) EFFECTIVE DATE.—The amendment made by paragraph (1)—

(A) shall take effect as if included in the Federal Law Enforcement Pay Reform Act of 1990 on the date of the enactment of such Act; and

(B) shall be effective only with respect to pay for service performed in pay periods beginning on or after the date of the enactment of this Act.

Paragraph (2) shall be applied in a manner consistent with the preceding sentence.

(b) SEPARATE PAY, EVALUATION, AND PROMOTION SYSTEM FOR FEDERAL LAW ENFORCEMENT OFFICERS.—

(1) STUDY.—Not later than 6 months after the date of the enactment of this Act, the Office of Personnel Management shall study and submit to Congress a report which shall contain its findings and recommendations regarding the need for, and the potential benefits to be derived from, the establishment of a separate pay, evaluation, and promotion system for Federal law enforcement officers. In carrying out this paragraph, the Office of Personnel Management shall take into account the findings and recommendations contained in the September 1993 report of the Office entitled "A Plan to Establish a New Pay and Job Evaluation System for Federal Law Enforcement Officers".

(2) DEMONSTRATION PROJECT.—

(A) IN GENERAL.—If, after completing its report under paragraph (1), the Office of Personnel Management considers it to be appropriate, the Office shall implement, within 12 months after the date of the enactment of this Act, a demonstration project to determine whether a separate system for Federal law enforcement officers (as described in paragraph (1)) would result in improved Federal personnel management.

(B) APPLICABLE PROVISIONS.—Any demonstration project under this paragraph shall be conducted in accordance with the provisions of chapter 47 of title 5, United States Code, except that a project under this paragraph shall not be taken into account for purposes of the numerical limitation under section 4703(d)(2) of such title.

(C) PERMANENT CHANGES.—Not later than 6 months before the demonstration project's scheduled termination date, the Office of Personnel Management shall submit to Congress—

(i) its evaluation of the system tested under the demonstration project; and

(ii) recommendations as to whether or not that system (or any aspects of that system) should be continued or extended to other Federal law enforcement officers.

(3) FEDERAL LAW ENFORCEMENT OFFICER DEFINED.—In this subsection, the term "Federal law enforcement officer" means a law enforcement officer as defined under section 8331(20) or 8401(17) of title 5, United States Code.

(c) LIMITATION ON PREMIUM PAY.—

(1) IN GENERAL.—Section 5547 of title 5, United States Code, is amended—

(A) in subsection (a), by striking "5545a,";

(B) in subsection (c), by striking "or 5545a"; and

(C) in subsection (d), by striking the period and inserting "or a criminal investigator who is paid availability pay under section 5545a.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 1114 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1239).

SA 3311. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1055. IMPOSITION OF OFFSETS UNDER CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.

(a) REQUIREMENT TO IMPOSE ON CERTAIN CONTRACTORS AND SUBCONTRACTORS.—(1) Notwithstanding any declaration of policy in section 123 of the Defense Production Act Amendments of 1992 (Public Law 102–558; 106 Stat. 4198; 50 U.S.C. App. 2099 note), the Secretary of Defense shall impose an offset on a contractor or subcontractor under a contract of the Department of Defense for defense goods or services if the preponderance of goods or services supplied by the contractor or subcontractor under the contract are produced, manufactured, grown, or extracted in a foreign country that imposes, whether by law or practice, offsets in excess of 100 percent on United States suppliers of goods or services.

(2) The offset imposed on a contractor or subcontractor under paragraph (1) shall be at least equal in percentage to the percentage imposed by the foreign country concerned on United States suppliers of goods and services.

(b) AUTHORITY TO IMPOSE ON CERTAIN CONTRACTORS AND SUBCONTRACTORS.—Notwithstanding any declaration of policy in such section 123, the Secretary may impose an offset on a contractor or subcontractor under a contract of the Department for defense goods or services if the preponderance of goods or services supplied by the contractor or subcontractor under the contract are produced, manufactured, grown, or extracted in a foreign country that imposes, whether by law or practice, offsets (other than offsets described in subsection (a)) on United States suppliers of goods or services under contracts in excess of $5,000,000.

(c) OFFSET DEFINED.—In this section, the term "offset" means any arrangement or understanding between a supplier of defense articles or defense services (as those terms are defined in the Arms Export Control Act (22 U.S.C. 2751 et seq.) and a country under which the supplier agrees to purchase or acquire, or to promote the purchase or acquisition by persons of the supplier's country of, goods or services produced, manufactured, grown, or extracted, in whole or in part, in such country in consideration for the purchase by such country of defense articles or defense services from the supplier.

(d) REPORT ON IMPOSITION OF OFFSETS.—The Secretary shall submit to Congress a report on each imposition of offsets under this section.

SA 3312. Mr. DODD (for himself, Mr. BAUCUS, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. 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.

(a) REIMBURSEMENT REQUIRED.—(1) Subject to subsection (b), 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.

(2) 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.

(b) LIMITATIONS.—(1) In the case of armor or protective equipment for high mobility multi-purpose wheeled vehicles (known as HUMVEEs), reimbursement shall be made under subsection (a) only for armor or equipment purchased during the period beginning on September 11, 2001, and ending on July 31, 2004.

(2) In the case of any other protective, safety, and health equipment, reimbursement shall be made under subsection (a) only for equipment purchased during the period beginning on September 11, 2001, and ending on December 31, 2003.

(c) COVERED PROTECTIVE, SAFETY, AND HEALTH EQUIPMENT.—(1) Subject to paragraph (2), protective, safety, and health equipment for which reimbursement shall be made under subsection (a) shall include personal body armor, collective armor or protective equipment (including armor or protective equipment for high mobility multi-purpose wheeled vehicles), and items provided through the Rapid Fielding Initiative of the Army such as the advanced (on-the-move) hydration system, the advanced combat helmet, the close combat optics system, a Global Positioning System (GPS) receiver, and a soldier intercommunication device.

(2) Non-military equipment may be treated as protective, safety, and health equipment for purposes of paragraph (1) only if such equipment provides protection, safety, or health benefits, as the case may be, such as would be provided by equipment meeting military specifications.

(d) FUNDING.—Amounts for reimbursements under subsection (a) shall be derived from amounts any amounts authorized to be appropriated by this Act.

SA 3313. Mr. DODD (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 868. PROHIBITIONS ON USE OF CONTRACTORS FOR CERTAIN DEPARTMENT OF DEFENSE ACTIVITIES.

(a) PROHIBITION ON USE OF CONTRACTORS IN INTERROGATION OF PRISONERS AND COMBAT MISSIONS.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the use of contractors by the Department of Defense is prohibited for activities as follows:

(A) Interrogation of prisoners, detainees, or combatants at any United States military installation or other installation under the authority of United States military or civilian personnel.

(B) United States-led combat missions that require routine engagement in direct combat on the ground, except in cases of self-defense.

(2) The President may waive the prohibition in paragraph (1) with respect to the use of contractors to provide translator services under subparagraph (A) of that paragraph if the President determines that no United States military personnel with appropriate language skills are available to provide translator services for the interrogation to which the waiver applies.

(3) The President shall, on a quarterly basis, submit to the appropriate committees of Congress a report on the use, if any, of contractors for the provision of translator services pursuant to the waiver authority in paragraph (2).

(b) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended for the utilization of contractor personnel in contravention of the prohibition in subsection (a), whether such funds are provided directly to a contractor by a department, agency, or other entity of the United States Government or indirectly through a permanent, interim, or transitional foreign government or other third party.

(c) PROHIBITION ON TRANSFER OF CUSTODY OF PRISONERS TO CONTRACTORS.—No military or civilian element of the United States Government may transfer any prisoner, detainee, or combatant under the custody or control of such element to the custody of a contractor or contractor personnel.

(d) RECORDS OF TRANSFERS OF CUSTODY OF PRISONERS TO OTHER COUNTRIES.—(1) No military or civilian element of the United States Government may transfer any prisoner, detainee, or combatant under the custody or control of such element to the custody of another country without making an appropriate record of such transfer that includes the reasons for the transfer.

(2) The Secretary shall ensure that—

(A) the records made of transfers by a transferring authority as described in paragraph (1) are maintained by that transferring authority in a central location; and

(B) the location and format of the records are such that the records are readily accessible to, and readily viewable by, the appropriate committees of Congress.

(3) A record under paragraph (1) shall be maintained in unclassified form, but may include a classified annex.

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

(1) the Committees on Armed Services, Foreign Relations, and the Judiciary of the Senate and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services, International Relations, and the Judiciary of the House of Representatives and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 3314. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 365, between lines 18 and 19, insert the following:

SEC. 2830. LAND CONVEYANCE, LOUISIANA ARMY AMMUNITION PLANT, DOYLINE, LOUISIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the State of Louisiana (in this section referred to as the ''State'') all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14,949 acres located at the Louisiana Army Ammunition Plant, Doyline, Louisiana.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the State shall—

(1) maintain at least 13,500 acres of such property for the purpose of military training, unless the Secretary determines that fewer acres are required for such purpose;

(2) ensure that any other uses that are made of the property conveyed under subsection (a) do not adversely impact military training;

(3) accommodate the use of such property, at no cost or fee, for meeting the present and future training needs of Armed Forces units, including units of the Louisiana National Guard and the other active and reserve components of the Armed Forces;

(4) assume, starting on the date that is five years after the date of the conveyance of such property, responsibility for any monitoring, sampling, or reporting requirements that are associated with the environmental restoration activities of the Army on the Louisiana Army Ammunition Plant, and shall bear such responsibility until such time as such monitoring, sampling, or reporting is no longer required; and

(5) assume the rights and responsibilities of the Army under the armaments retooling manufacturing support agreement between the Army and the facility use contractor with respect to the Louisiana Army Ammunition Plant in accordance with the terms of such agreement in effect at the time of the conveyance.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the State to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the State in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to State.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of each survey shall be borne by the State.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 3315. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, between lines 9 and 10, insert the following:

SEC. 642. FULL SBP SURVIVOR BENEFITS FOR SURVIVING SPOUSES OVER AGE 62.

(a) PHASED INCREASE IN BASIC ANNUITY TO 55 PERCENT.—(1) Subsection (a)(1)(B)(i) of section 1451 of title 10, United States Code, is

amended by striking ''35 percent of the base amount.'' and inserting ''the product of the base amount and the percent applicable for the month. The percent applicable for a month is 35 percent for months beginning before October 2005, 40 percent for months beginning after September 2005 and before April 2006, 45 percent for months beginning after March 2006 and before April 2007, 50 percent for months beginning after March 2007 and before April 2008, and 55 percent for months beginning after March 2008.''.

(2) Subsection (a)(2)(B)(i)(I) of such section is amended by striking ''35 percent'' and inserting ''the percent specified under paragraph (1)(B)(i) as being applicable for the month''.

(3) Subsection (c)(1)(B)(i) of such section is amended—

(A) by striking ''35 percent'' and inserting ''the applicable percent''; and

(B) by adding at the end the following: ''The percent applicable for a month under the preceding sentence is the percent specified under subsection (a)(1)(B)(i) as being applicable for the month.''.

(4) The heading for subsection (d)(2)(A) of such section is amended to read as follows: ''COMPUTATION OF ANNUITY.—''.

(b) PHASED ELIMINATION OF SUPPLEMENTAL ANNUITY.—(1) Section 1457(b) of title 10, United States Code, is amended—

(A) by striking ''5, 10, 15, or 20 percent'' and inserting ''the applicable percent''; and

(B) by inserting after the first sentence the following: ''The percent used for the computation shall be an even multiple of 5 percent and, whatever the percent specified in the election, may not exceed 20 percent for months beginning before October 2005, 15 percent for months beginning after September 2005 and before April 2006, 10 percent for months beginning after March 2006 and before April 2007, and 5 percent for months beginning after March 2007.''.

(2) Effective on April 1, 2008, chapter 73 of such title is amended—

(A) by striking subchapter III; and

(B) by striking the item relating to subchapter III in the table of subchapters at the beginning of that chapter.

(c) RECOMPUTATION OF ANNUITIES.—(1) Effective on the first day of each month referred to in paragraph (2)—

(A) each annuity under section 1450 of title 10, United States Code, that commenced before that month, is computed under a provision of section 1451 of that title amended by subsection (a), and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that provision, as so amended, had been used for the initial computation of the annuity; and

(B) each supplemental survivor annuity under section 1457 of such title that commenced before that month and is payable for that month shall be recomputed so as to be equal to the amount that would be in effect if the percent applicable for that month under that section, as amended by this section, had been used for the initial computation of the supplemental survivor annuity.

(2) The requirements for recomputation of annuities under paragraph (1) apply with respect to the following months:

(A) October 2005.

(B) April 2006.

(C) April 2007.

(D) April 2008.

(d) RECOMPUTATION OF RETIRED PAY REDUCTIONS FOR SUPPLEMENTAL SURVIVOR ANNUITIES.—The Secretary of Defense shall take such actions as are necessitated by the amendments made by subsection (b) and the requirements of subsection (c)(1)(B) to ensure that the reductions in retired pay under section 1460 of title 10, United States Code, are adjusted to achieve the objectives set forth in subsection (b) of that section.

(e) OPEN ENROLLMENT PERIOD FOR SURVIVOR BENEFIT PLAN COMMENCING OCTOBER 1, 2005.—(1)(A) An eligible retired or former member may elect to participate in the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, during the open enrollment period specified in paragraph (5).

(B) An eligible retired or former member who elects under subparagraph (A) to participate in the Survivor Benefit Plan at the maximum level may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code.

(C) For purposes of subparagraphs (A) and (B), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(i) is entitled to retired pay; or

(ii) would be entitled to retired pay under chapter 1223 of title 10, United States Code, but for the fact that such member or former member is under 60 years of age.

(D) A person making an election under subparagraph (A) by reason of eligibility under subparagraph (C)(i) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(E) A person making an election under subparagraph (A) by reason of eligibility under subparagraph (C)(ii) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(2) A person who on the day before the first day of the open enrollment period is a participant in the Survivor Benefit Plan but is not participating at the maximum base amount or is providing coverage under the Plan for a dependent child and not for the person's spouse or former spouse may, during the open enrollment period, elect to—

(A) participate in the Plan at a higher base amount (not in excess of the participant's retired pay); or

(B) provide annuity coverage under the Plan for the person's spouse or former spouse at a base amount not less than the base amount provided for the dependent child.

(3)(A) A person who is eligible to make an election under this paragraph may elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code.

(B) Except as provided in subparagraph (C), a person is eligible to make an election under subparagraph (A) if on the day before the first day of the open enrollment period the person—

(i) is a participant in the Survivor Benefit Plan at the maximum level, or during the open enrollment period the person increases the level of such participation to the maximum level under paragraph (2) of this subsection; and

(ii) under that Plan is providing annuity coverage for the person's spouse or a former spouse.

(C) A person is not eligible to make an election under subparagraph (A) if (as determined by the Secretary concerned) the annuity of a spouse or former spouse beneficiary of that person under the Survivor Benefit Plan is to be computed under section 1451(e) of title 10, United States Code. However, such a person may during the open enrollment period waive the right to have that annuity computed under such section 1451(e). Any such election is irrevocable. A person making such a waiver may make an election under subparagraph (A) as in the case of any other participant in the Survivor Benefit Plan.

(4) An election under this subsection shall be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under paragraph (1) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code. Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(5) The open enrollment period under this section shall be the one-year period beginning on October 1, 2005.

(6) If a person making an election under this subsection dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(7) The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this subsection in the same manner as if the election were made under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(8) The Secretary of Defense may require that the premium for a person making an election under paragraph (1)(A) or (2) include, in addition to the amount required under section 1452(a) of title 10, United States Code, an amount determined under regulations prescribed by the Secretary of Defense for the purposes of this subsection. Any such amount shall be stated as a percentage of the base amount of the person making the election and shall reflect the number of years that have elapsed since the person retired, but may not exceed 4.5 percent of that person's base amount.

(f) REPORT CONCERNING OPEN SEASON.—Not later than July 1, 2005, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the open season authorized by subsection (e) for the Survivor Benefit Plan. The report shall include the following:

(1) A description of the Secretary's plans for implementation of the open season.

(2) The Secretary's estimates of the costs associated with the open season, including any anticipated effect of the open season on the actuarial status of the Department of Defense Military Retirement Fund.

(3) Any recommendation by the Secretary for further legislative action.

SA 3316. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:

Since it is the mission of the Armed Forces Radio and Television Service to provide high-quality news, information and entertainment to US forces;

Since a key principle of Department of Defense internal information is to make available a free flow of general and military information without censorship or propaganda to the men and women of the Armed Forces and their dependents;

Since the Armed Forces Radio and Television Service seeks to represent in its programming what is seen and heard in the United States;

Since it is the policy of Armed Forces Radio and Television Service, as outlined in Department of Defense Regulation 5120.20R, to provide a free flow of political programming and public affairs programs selected to provide balance and diversity from available nationally recognized program sources: Therefore be it determined, That it is the sense of the Senate—

That the Armed Forces Radio and Television Service should strive to ensure that it fully serves its mission and listeners by seeking to present all sides of important public questions fairly and with balance by basing programming decisions for each of its news, public affairs and uninterrupted voice program services on a diversity of educational and informational needs, not only on commercial market share determinations.

SA 3317. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3122. BERYLLIUM SCREENING IN MASSACHUSETTS.

(a) AVAILABILITY OF FUNDS.—Of the amount authorized to be appropriated for the Department of Energy for fiscal year 2005 by section 3103 for other defense activities, $250,000 shall be available for beryllium screening, and related outreach, for employees of vendors who supplied beryllium to the Atomic Energy Commission for use in the nuclear weapons program.

(b) EMPLOYEES OF VENDORS DEFINED.—In this section, the term ''employees of vendors'' means employees of vendors in Massachusetts as follows:

(1) Wyman Gordon, Incorporated.

(2) Norton.

(3) Nuclear Materials and Equipment Corporation.

(4) The Massachusetts Institute of Technology.

(5) Any other beryllium vendor identified as such for purposes of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384 et seq.).

SA 3318. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 256, between lines 10 and 11, insert the following:

SEC. 1035. SENSE OF CONGRESS ON SPACE LAUNCHES.

It is the sense of Congress that the Secretary of Defense should provide support for, and continue the development, certification, and deployment of portable range safety systems that are capable of—

(1) reducing costs related to national security space launches and launch infrastructure; and

(2) enhancing technical capabilities and operational safety at the Eastern, Western, and other United States space launches.

SA 3319. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 844. REPEAL OF CERTAIN REQUIREMENTS AND LIMITATIONS RELATING TO THE DEFENSE INDUSTRIAL BASE.

(a) ESSENTIAL ITEM IDENTIFICATION AND DOMESTIC PRODUCTION CAPABILITIES IMPROVEMENT.—Sections 812, 813, and 814 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1542, 1543, 1545; 10 U.S.C. 2501 note) are repealed.

(b) ELIMINATION OF UNRELIABLE SOURCE FOR ITEMS AND COMPONENTS.—Section 821 of such Act (117 Stat. 1546; 10 U.S.C. 2534 note) is repealed.

SA 3320. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be stricken, insert the following:

SEC. 842. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS.

(a) AUTHORITY.—Subchapter V of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2539c. Waiver of domestic source or content requirements

''(a) AUTHORITY.—Except as provided in subsection (f), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize the procurement of items that are grown, reprocessed, reused, produced, or manufactured—

''(1) in a foreign country that has a Declaration of Principles with the United States;

''(2) in a foreign country that has a Declaration of Principles with the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States; or

''(3) in the United States substantially from components and materials grown, reprocessed, reused, produced, or manufactured in the United States or any foreign country that has a Declaration of Principles with the United States.

''(b) COVERED REQUIREMENTS.—For purposes of this section:

''(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of this title).

''(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

''(c) APPLICABILITY.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

''(1) application of the requirement would impede the reciprocal procurement of defense items under a Declaration of Principles with the United States; and

''(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

''(d) LIMITATION ON DELEGATION.—The authority of the Secretary to waive the application of domestic source or content requirements under subsection (a) may not be delegated to any officer or employee other than the Under Secretary of Defense for Acquisition, Technology and Logistics.

''(e) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

''(f) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

''(1) The Small Business Act (15 U.S.C. 631 et seq.).

''(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

''(3) Sections 7309 and 7310 of this title.

''(4) Section 2533a of this title.

''(g) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

''(h) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.

''(i) DECLARATION OF PRINCIPLES.—(1) In this section, the term 'Declaration of Principles' means a written understanding (including any Statement of Principles) between the Department of Defense and its counterpart in a foreign country signifying a cooperative relationship between the Department and its counterpart to standardize or make interoperable defense equipment used by the armed forces and the armed forces of the foreign country across a broad spectrum of defense activities, including—

''(A) harmonization of military requirements and acquisition processes;

''(B) security of supply;

''(C) export procedures;

''(D) security of information;

''(E) ownership and corporate governance;

''(F) research and development;

''(G) flow of technical information; and

''(H) defense trade.

''(2) A Declaration of Principles is underpinned by a memorandum of understanding or other agreement providing for the reciprocal procurement of defense items between the United States and the foreign country concerned without unfair discrimination in accordance with section 2531 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2539b the following new item:

''2539c. Waiver of domestic source or content requirements.''.

SEC. 843. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

SA 3321. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be stricken, insert the following:

SEC. 842. WAIVER AUTHORITY FOR DOMESTIC SOURCE OR CONTENT REQUIREMENTS FOR COUNTRIES ENGAGED IN CERTAIN OPERATIONS IN THE GLOBAL WAR ON TERROR.

(a) AUTHORITY.—Except as provided in subsection (e), the Secretary of Defense may waive the application of any domestic source requirement or domestic content requirement referred to in subsection (b) to items that are grown, reprocessed, reused, produced, or manufactured in a foreign country that has supplied air, naval, ground, or stabilization forces under the United States Central Command or the International Security Assistance Force in Operation Enduring Freedom or Operation Iraqi Freedom and, in so waiving such requirement, thereby authorize the procurement of such items.

(b) COVERED REQUIREMENTS.—For purposes of this section:

(1) A domestic source requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States or by a manufacturer that is a part of the national technology and industrial base (as defined in section 2500(1) of title 23, United States Code).

(2) A domestic content requirement is any requirement under law that the Department of Defense satisfy its requirements for an item by procuring an item produced or manufactured partly or wholly from components and materials grown, reprocessed, reused, produced, or manufactured in the United States.

(c) APPLICABILITY.—The authority of the Secretary to waive the application of a domestic source or content requirements under subsection (a) applies to the procurement of items for which the Secretary of Defense determines that—

(1) application of the requirement would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items between a foreign country and the United States in accordance with section 2531 of title 23, United States Code; and

(2) such country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(d) CONSULTATIONS.—The Secretary may grant a waiver of the application of a domestic source or content requirement under subsection (a) only after consultation with the United States Trade Representative, the Secretary of Commerce, and the Secretary of State.

(e) LAWS NOT WAIVABLE.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any domestic source or content requirement contained in any of the following laws:

(1) The Small Business Act (15 U.S.C. 631 et seq.).

(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

(3) Sections 7309 and 7310 of title 23, United States Code.

(4) Section 2533a of title 23, United States Code.

(f) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

(g) CONSTRUCTION WITH RESPECT TO LATER ENACTED LAWS.—This section may not be construed as being inapplicable to a domestic source requirement or domestic content requirement that is set forth in a law enacted after the enactment of this section solely on the basis of the later enactment.

SEC. 843. CONSISTENCY WITH UNITED STATES OBLIGATIONS UNDER TRADE AGREEMENTS.

No provision of this Act or any amendment made by this Act shall apply to a procurement by or for the Department of Defense to the extent that the Secretary of Defense, in consultation with the Secretary of Commerce, the United States Trade Representative, and the Secretary of State, determines that it is inconsistent with United States obligations under a trade agreement.

SA 3322 Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. MISSILE DEFENSE COOPERATION.

(a) DEPARTMENT OF STATE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.—

(1) EXPEDITED PROCEDURES.—The Secretary of State shall, in consultation with the Secretary of Defense, establish procedures for considering technical assistance agreements and related amendments and munitions license applications for the export of defense items related to missile defense not later than 30 days after receiving such agreements, amendments, and munitions license applications, except in cases in which the Secretary of State determines that additional time is required to complete a review of a technical assistance agreement or related amendment or a munitions license application for foreign policy or national security reasons, including concerns regarding the proliferation of ballistic missile technology.

(2) STUDY ON COMPREHENSIVE AUTHORIZATIONS FOR MISSILE DEFENSE.—The Secretary of State shall, in consultation with the Secretary of Defense, examine the feasibility of providing major project authorizations for programs related to missile defense similar to the comprehensive export authorization specified in section 126.14 of the International Traffic in Arms Regulations (section 126.14 of title 22, Code of Federal Regulations).

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives a report on—

(A) the implementation of the expedited procedures required under paragraph (1); and

(B) the feasibility of providing the major project authorization for projects related to missile defense described in paragraph (2).

(b) DEPARTMENT OF DEFENSE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.—

(1) PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, prescribe procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review technical assistance agreements and related amendments and munitions license applications related to international cooperation on missile defense that are referred to the Department.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report—

(A) describing actions taken by the Secretary of Defense to coordinate with the Secretary of State the establishment of the expedited review process described in subsection (a)(1);

(B) identifying key defense items related to missile defense that are suitable for comprehensive licensing procedures; and

(C) describing the procedures prescribed pursuant to paragraph (1).

(c) DEFINITION OF DEFENSE ITEMS.—In this section, the term ''defense items'' has the meaning given that term in section 38(j)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(j)(4)(A)).

SA 3323 Mr. FITZGERALD (for himself, Ms. CANTWELL and Mr. HOLLINGS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. LIMITATION AS TO PERSONS WHO MAY PERFORM EYE SURGERY FOR DEPARTMENT OF VETERANS AFFAIRS.

Section 1707 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) Eye surgery at a Department facility or under contract with the Department may be performed only by an individual who is a licensed medical doctor, a licensed doctor of osteopathy, or a licensed dentist whose practice is limited to the specialty of oral or maxillofacial surgery.

''(2) For purposes of this subsection, the term 'eye surgery' means any procedure involving the eye or the adnexa in which human tissue is cut, burned, frozen, vaporized, ablated, probed, or otherwise altered or penetrated by incision, injection, laser, ultrasound, ionizing radiation, or by other means, in order to treat eye disease, alter or correct refractive error, or alter or enhance cosmetic appearance. Such term does not include the following noninvasive, nonsurgical procedures: removal of superficial ocular foreign bodies from the conjunctival surface, from the eyelid epidermis, or from the corneal epithelium; corneal debridement and scraping; forceps epilation of misaligned eyelashes; the prescription and fitting of contact lenses; insertion of punctal plugs, diagnostic dilation or irrigation of the lacrimal system; the use of diagnostic ultrasound; orthokeratology; or the treatment of emergency cases of anaphylactic shock (with subcutaneous epinephrine, such as that included in a bee sting kit).''.

SA 3324 Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 311, in the table preceding line 1, insert after the item relating to Hill Air Force Base, Utah, the following new item:

Wyoming	F.E. Warren Air Force Base.	$5,500,000

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert ''$452,023,000''.

On page 314, line 7, strike ''$2,487,824,000'' and insert ''$2,493,324,000''.

On page 314, line 10, strike ''$446,523,000'' and insert ''$452,023,000''.

On page 322, line 21, strike ''$214,418,000'' and insert ''$221,818,000''.

SA 3325. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 867, and insert the following:

SEC. 867. APPLICABILITY OF RANDOLPH-SHEPPARD ACT AND JAVITS-WAGNER-O'DAY ACT TO MILITARY TROOP DINING SERVICES.

(a) SERVICES UNDER EXISTING JAVITS-WAGNER-O'DAY ACT CONTRACTS.—(1) The Randolph-Sheppard Act (20 U.S.C. 107 et seq.) does not apply to any contract described in paragraph (2) for so long as the services provided under that contract remain on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47).

(2) Paragraph (1) applies to any contract for the procurement of military troop dining services that—

(A) was entered into before the date of the enactment of this Act with a nonprofit agency for the blind or an agency for other severely handicapped in compliance with section 3 of the Javits-Wagner-O'Day Act (41 U.S.C. 48); and

(B) is in effect on such date.

(b) SERVICES UNDER EXISTING RANDOLPH-SHEPPARD ACT CONTRACTS.—(1) The Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.) does not apply to—

(A) any contract described in paragraph (2) for so long as the contract is in effect, including for any period for which the contract is extended pursuant to an option provided in the contract; or

(B) any successor contract for the same military troop dining services.

(2) Paragraph (1) applies to any contract for the procurement of military troop dining services that—

(A) was entered into before the date of the enactment of this Act with a State licensing agency under the Randolph-Sheppard Act (20 U.S.C. 107 et seq.); and

(B) is in effect on such date.

(c) SOURCE SELECTION PROCEDURE FOR AWARDING NEW CONTRACTS.—(1) The selection of a source to which to award a contract for the procurement of military troop dining services, other than contracts described in subsections (a) and (b), shall be made according to the procedures provided under this subsection.

(2) As soon as practicable before the date for commencement of the performance of a contract to which this subsection applies, but not less than 180 days before such date, the procuring official shall transmit to the Commissioner of the Rehabilitation Services Administration of the Department of Education a notification of the proposed contract.

(3) Upon the receipt of a notification of a proposed contract for the procurement of military troop dining services under paragraph (2), the Commissioner shall timely determine whether one or more State licensing agencies request that the contract be awarded in compliance with the Randolph-Sheppard Act. If the Commissioner timely receives such a request, the procurement shall be conducted in a manner that applies the priority provided to State licensing agencies under the Randolph-Sheppard Act. If the Commissioner does not timely receive such a request, the procurement shall be conducted under applicable law, including the Javits-Wagner-O'Day Act. The procuring official shall prescribe the time requirements for determinations and requests under this paragraph in relation to performance requirements.

(4) If, in accordance with section 3 of the Javits-Wagner-O'Day Act, a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped enters into a contract for the procurement of military troop dining services to which this subsection applies, then the Randolph-Sheppard Act does not apply to the performance of the services covered by that contract, but only for so long as that contract is in effect, including for any period for which the contract is extended pursuant to an option provided in the contract.

(d) GEOGRAPHIC APPLICABILITY.—This section applies to a contract for the procurement of military troop dining services to be provided at a military installation in a State, the Commonwealth of Puerto Rico, or any territory or possession of the United States, including a contract for the procurement of military troop dining services that are to be provided in more than one State.

(e) DEFINITIONS.—In this section:

(1) The term ''military troop dining services'' means any services related to the provision of Government-furnished meals to members of the Armed Forces, including meals provided in a military mess hall, a military troop dining facility, or any similar dining facility operated for the purpose of providing meals to members of the Armed Forces.

(2) The term ''State licensing agency'' means an agency designated under section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107a(a)(5)).

(3) The terms ''qualified nonprofit agency for the blind'' and ''qualified nonprofit agency for other severely handicapped'' have the meanings given such terms in section 5 of the Javits-Wagner-O'Day Act (41 U.S.C. 48b).

(f) REPEAL OF SUPERSEDED LAW.—Section 852 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1556) is repealed.

SA 3326. Mr. GRAHAM of South Carolina submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 221, between the matter following line 17 and line 18, insert the following:

SEC. 915. AUTHORITIES OF THE JUDGE ADVOCATES GENERAL.

(a) DEPARTMENT OF THE ARMY.—(1) Section 3019(b) of title 10, United States Code, is amended by striking ''The General Counsel'' and inserting ''Subject to sections 806 and 3037 of this title, the General Counsel''.

(2)(A) Section 3037 of such title is amended to read as follows:

''§ 3037. Judge Advocate General, Assistant Judge Advocate General: appointment; duties

''(a) POSITION OF JUDGE ADVOCATE GENERAL.—There is a Judge Advocate General in

the Army, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Judge Advocate General's Corps. The term of office is four years, but may be sooner terminated or extended by the President. An appointee who holds a lower regular grade shall be appointed in the regular grade of lieutenant general.

''(b) APPOINTMENT.—The Judge Advocate General of the Army shall be appointed from those officers who at the time of appointment are members of the bar of a Federal court or the highest court of a State or Territory, and who have had at least eight years of experience in legal duties as commissioned officers.

''(c) DUTIES.—The Judge Advocate General, in addition to other duties prescribed by law—

''(1) is the legal adviser of the Secretary of the Army, the Chief of Staff of the Army, and the Army Staff, and of all officers and agencies of the Department of the Army;

''(2) shall direct and supervise the members of the Judge Advocate General's Corps and civilian attorneys employed by the Department of the Army (other than those assigned or detailed to the Office of the General Counsel of the Army) in the performance of their duties;

''(3) shall direct and supervise the performance of duties under chapter 47 of this title (the Uniform Code of Military Justice) by any member of the Army;

''(4) shall receive, revise, and have recorded the proceedings of courts of inquiry and military commissions; and

''(5) shall perform such other legal duties as may be directed by the Secretary of the Army.

''(d) POSITION OF ASSISTANT JUDGE ADVOCATE GENERAL.—There is an Assistant Judge Advocate General in the Army, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Army who have the qualifications prescribed in subsection (b) for the Judge Advocate General. The term of office of the Assistant Judge Advocate General is four years, but may be sooner terminated or extended by the President. An officer appointed as Assistant Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.

''(e) APPOINTMENTS RECOMMENDED BY SELECTION BOARDS.—Under regulations prescribed by the Secretary of Defense, the Secretary of the Army, in selecting an officer for recommendation to the President under subsection (a) for appointment as the Judge Advocate General or under subsection (d) for appointment as the Assistant Judge Advocate General, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.''.

(B) The item relating to such section in the table of sections at the beginning of chapter 305 of such title is amended to read as follows:

''3037. Judge Advocate General, Assistant Judge Advocate General: appointment; duties.''.

(b) DEPARTMENT OF THE NAVY.—(1) Section 5019(b) of title 10, United States Code, is amended by striking ''The General Counsel'' and inserting ''Subject to sections 806 and 5148 of this title, the General Counsel''.

(2) Section 5148 of such title is amended—

(A) in subsection (b), by striking the fourth sentence and inserting the following: ''The Judge Advocate General, while so serving, has the grade of vice admiral or lieutenant general, as appropriate.''; and

(B) in subsection (d)—

(i) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(ii) by inserting after paragraph (1) the following new paragraph (2):

''(2) direct and supervise the members of the Judge Advocate General's Corps in the performance of their duties;''.

(c) DEPARTMENT OF THE AIR FORCE.—(1) Section 8019(b) of title 10, United States Code, is amended by striking ''The General Counsel'' and inserting ''Subject to sections 806 and 8037 of this title, the General Counsel''.

(2) Section 8037 of such title is amended—

(A) in subsection (a), by striking the third sentence and inserting the following: ''The Judge Advocate General, while so serving, has the grade of lieutenant general.''; and

(B) in subsection (c)—

(i) by striking ''General shall,'' in the matter preceding paragraph (1) and inserting ''General,'';

(ii) by redesignating paragraphs (1) and (2) as paragraphs (4) and (5), respectively, and, in each such paragraph, by inserting ''shall'' before the first word; and

(iii) by inserting after paragraph (1) the following new paragraphs:

''(1) is the legal adviser of the Secretary of the Air Force, the Chief of Staff of the Air Force, and the Air Staff, and of all officers and agencies of the Department of the Air Force;

''(2) shall direct and supervise the members of the Air Force designated as judge advocates and civilian attorneys employed by the Department of the Air Force (other than those assigned or detailed to the Office of the General Counsel of the Air Force) in the performance of their duties;

''(3) shall direct and supervise the performance of duties under chapter 47 of this title (the Uniform Code of Military Justice) by any member of the Air Force;''.

(d) EXCLUSION FROM LIMITATION ON GENERAL AND FLAG OFFICER DISTRIBUTION.—Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(9) An officer while serving as the Judge Advocate General of the Army, the Judge Advocate General of the Navy, or the Judge Advocate General of the Air Force is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2), as the case may be.''.

SA 3327. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SEC. . REPORT ON ESTABLISHING NATIONAL CENTERS OF EXCELLENCE FOR UNMANNED AERIAL VEHICLES.

(a) REPORT REQUIRED.—(1) Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit a report on the need for one or more national centers of excellence for unmanned aerial vehicles to the congressional defense committees.

(b) PURPOSE OF CENTERS.—(1) The goal of national centers for excellence shall be to promote inter-service cooperation and coordination in the following areas:

(A) development of doctrine for the use of unmanned aerial vehicles;

(B) joint procurement, or, where not possible, maximization of shared platforms and components;

(C) identification and coordination, in conjunction with private sector and academia, of research priorities for future development of unmanned aerial vehicles;

(D) monitoring the development and utilization of unmanned aerial vehicles in other nations for both military and non-military purposes; and

(E) identification and development of needed UAV specialists

(c) REPORT REQUIREMENTS.—(1) The report shall include at a minimum:

(A) a list of facilities where the Defense Department currently conducts or plans to conduct research, development, and testing activities on unmanned aerial vehicles;

(B) a list of facilities where the Defense Department currently deploys or has committed to deploying unmanned aerial vehicles;

(C) extent to which existing facilities listed in (A) and (B) above have sufficient unused capacity and expertise to research, develop, test, and deploy the next generation of unmanned aerial vehicles;

(D) extent to which efficiencies on research, development, testing, and deployment of existing or future unmanned aerial vehicles can be achieved through consolidation at one or more national centers of excellence for unmanned aerial vehicles;

(E) a list of potential locations for national centers of excellence. When considering potential locations for these centers, the report should take into consideration existing Air Force facilities which possess skilled personnel, existing capacity of runways and other facilities to accommodate the research, testing, and deployment of current and future unmanned aerial vehicles, and minimal restrictions on the research, development, and testing of unmanned aerial vehicles caused by proximity to large population centers or airspace heavily utilized by commercial flights.

SA 3328. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. ATTRITION RESERVE FOR B–1 BOMBER AIRCRAFT FLEET.

The Secretary of the Air Force shall maintain 3 additional B–1 bomber aircraft, in addition to the current fleet of 67 B–1 bomber aircraft, as an attrition reserve for the B–1 bomber aircraft fleet.

SA 3329. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other

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

On page 48, between lines 7 and 8, insert the following:

SEC. 326. AMOUNT FOR RESEARCH AND DEVELOPMENT FOR IMPROVED PREVENTION OF LEISHMANIASIS.

Of the amount authorized to be appropriated for the Defense Health Program for research, development, test, and evaluation under section 303(a)(2), $10,000,000 shall be available for the Military Infectious Diseases Research Program for research and advanced development of products to improve the prevention, diagnosis, and treatment of leishmaniasis.

SA 3330. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 364. AUTHORITY TO MAKE AVAILABLE TO INDIAN TRIBES EXCESS NONLETHAL SUPPLIES OF THE DEPARTMENT OF DEFENSE.

(a) AUTHORITY.—Subsection (a) of section 2557 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary of Defense may make available to any Indian tribe any nonlethal excess supplies of the Department of Defense.''.

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

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) Excess supplies made available to Indian tribes under this section shall be provided directly to such tribes in accordance with such procedures as the Secretary of Defense shall establish.''.

(c) DEFINITION OF INDIAN TRIBE.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(3) 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 List Act of 1994 (25 U.S.C. 479a–1).''.

(d) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 2557. Excess nonlethal supplies: availability for homeless veterans initiatives, humanitarian relief, and Indian tribes''.

(2) The table of sections at the beginning of chapter 152 of title 10, United States Code, is amended by striking the item relating to section 2557 and inserting the following new item:

''2557. Excess nonlethal supplies: availability for homeless veterans initiatives, humanitarian relief, and Indian tribes.''.

SA 3331. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 24, between lines 9 and 10, insert the following:

SEC. 133. B–1B BOMBER AIRCRAFT.

(a) MINIMUM FORCE LEVEL.—The Secretary shall maintain a fleet of 77 B–1B bomber aircraft in active service.

(b) FUNDING.—(1) The amount authorized to be appropriated under section 103(1) is hereby increased by $95,800,000 to be available for restoration of 10 B–1B bomber aircraft to the fleet of B–1B bomber aircraft in active service.

(2) The amount authorized to be appropriated under section 301(4) is hereby increased by $149,900,000 to be available for operation and maintenance of the fleet of B–1B bomber aircraft.

SA 3332. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill, add the following:

SECTION 1. IMPACT AID.

Section 8003(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(2)) is amended by adding at the end the following:

''(I) AVERAGE DAILY ATTENDANCE DETERMINATION.—

''(i) IN GENERAL.—For the purpose of determining the eligibility for and amount of a basic support payment made under this paragraph for a heavily impacted local educational agency described in clause (ii), the Secretary shall calculate the number of children who were in average daily attendance in the schools of such agency for a fiscal year by multiplying—

''(I) the negotiated ratio described in clause (ii)(II); by

''(II) the number of such children for the preceding fiscal year.

''(ii) ELIGIBLE HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.—A heavily impacted local educational agency referred to in clause (i) is a heavily impacted local educational agency—

''(I) that does not collect average daily attendance data for purposes of distributing State education assistance; and

''(II) for which the Secretary has approved a negotiated ratio for purposes of calculating a basic support payment under paragraph (1).''.

SA 3333. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. PERIODIC DETAILED ACCOUNTING FOR OPERATIONS OF THE GLOBAL WAR ON TERRORISM.

(a) MONTHLY ACCOUNTING.—Not later than 30 days after the end of each month, the Secretary of Defense shall submit to the chairmen and ranking members of the Committees on Armed Services of the Senate and the House of Representatives and to all the members of the Committees on Appropriations of the Senate and the House of Representatives, for such month for each operation described in subsection (b), a full accounting of all costs incurred for such operation during such month and all amounts expended during such month for such operation, and the purposes for which such costs were incurred and such amounts were expended.

(b) OPERATIONS COVERED.—The operations referred to in subsection (a) are as follows:

(1) Operation Iraqi Freedom.

(2) Operation Enduring Freedom.

(3) Operation Noble Eagle.

(4) Any other operation that the President designates as being an operation of the Global War on Terrorism.

(c) REQUIREMENT FOR COMPREHENSIVENESS.—For the purpose of providing a full and complete accounting of the costs and expenditures under subsection (a) for operations described in subsection (b), the Secretary shall account in the monthly submission under subsection (a) for all costs and expenditures that are reasonably attributable to such operations, including personnel costs.

SA 3334. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. REPORT ON GLOBAL POVERTY AND NATIONAL SECURITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on global poverty and national security.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) an evaluation of the impact of global poverty and the barriers to sustainable development and political stability in developing countries, including the effects of—

(A) the human immunodeficiency virus (HIV), the acquired immune deficiency syndrome (AIDS), tuberculosis, malaria, and other diseases;

(B) unemployment;

(C) hunger;

(D) illiteracy;

(E) the status of women;

(F) internally displaced person and refugees; and

(G) environmental degradation;

(2) a description of the direct and indirect relationships between global poverty and the

most important barriers to sustainable development and political stability, including the relationship between such barriers and civil conflict, regional instability, the war on terrorism, the national security interests of the United States, and global stability; and

(3) the recommendations of the Secretary of Defense, if any, for addressing the barriers to sustainable development and political stability in developing countries, including such barriers described in subparagraphs (A) through (G) of paragraph (1), including recommendations for—

(A) the appropriate role of the Department of Defense in addressing such barriers;

(B) the appropriate role of other departments or agencies of the Federal Government in addressing such barriers;

(C) organizational changes to improve the ability of the Department of Defense or other departments or agencies of the Federal Government to address such barriers; and

(D) methods or organizational arrangements to coordinate actions to address such barriers among the Federal Government, nongovernmental organizations, foreign countries, and international organizations.

(c) REQUIREMENT TO CONSULT.—The Secretary of Defense shall consult with the head of each appropriate department or agency of the Federal Government in preparing the report required by subsection (a).

SA 3335. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1022. REPORT ON CAPACITIES OF UNITED NATIONS AND REGIONAL GOVERNMENTAL ORGANIZATIONS TO CONDUCT STABILIZATION AND POST-CONFLICT OPERATIONS.

(a) STUDY ON CAPACITIES.—The Secretary of Defense shall, in coordination with the Secretary of State, conduct a study assessing the capacities of the United Nations and regional organizations of governments to contribute to stabilization and post-conflict operations.

(b) MATTERS TO BE INCLUDED IN STUDY.—The study under subsection (a) shall specifically—

(1) assess the capacity of each existing and proposed regional security initiative in Latin America, Africa, Asia, and Europe to train and deploy military or civilian units for international peace operations or stabilization operations;

(2) evaluate the policies, programs, and strategies of the United States Government regarding each regional security initiative referred to in paragraph (1);

(3) assess whether international capacities for stabilization and post-conflict operations could be enhanced by the provision of training, equipment, or logistical support to regional security forces in Africa (as opposed to training, equipment, or logistical support provided on a strictly bilateral basis);

(4) evaluate the efficacy of the United Nations Stand-By Arrangements System, including the costs and benefits of the United States upgrading its participation in the Stand-By Arrangements System to a level higher than level 1;

(5) identify means of improving international constabulary and civilian policing capabilities, including through the development of joint projects with other nations that would—

(A) identify areas in which the recruitment of personnel and expertise in the rule of law for peacekeeping operations is insufficient; and

(B) develop a standardized certification process for nations to verify that individuals who serve as civilian police in operations carried out by the United Nations have the skills required to effectively carry out such operations; and

(6) identify the incidences in which the United States has sought a waiver under paragraphs (1) and (2) of section 10(a) of the United Nations Participation Act of 1945 (22 U.S.C. 287e–2(a)) and analyze whether such instances have impacted United States ability to provide timely or effective support to multinational peace operations.

(c) REPORT ON STUDY.—Not later than March 15, 2005, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the result of the study conducted under this section.

(d) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and Foreign Relations of the Senate; and

(B) the Committees on Armed Services and International Relations of the House of Representatives

(2) The term ''regional security initiative'' means a coordinated effort of a regional or subregional governmental organization to organize, train, or equip the armed forces or civilian assets of the countries in such region or subregion for the purpose of increasing the capacity of such countries to undertake peacekeeping missions, peace support operations, or stabilization operations.

SA 3336. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2844. DEMOLITION OF FACILITIES AND IMPROVEMENTS ON CERTAIN INSTALLATIONS APPROVED FOR CLOSURE UNDER THE DEFENSE BASE CLOSURE OR REALIGNMENT PROCESS.

(a) AUTHORITY TO DEMOLISH.—Notwithstanding any other provision of law, the Secretary of the military department concerned may demolish or provide for the demolition of any facilities or other improvements on real property at an installation approved for closure under any round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) if such real property is located at a military installation in a rural area portions of which were transferred or designated for transfer under section 2905(b)(4)(B)(ii) of the Defense Base Closure and Realignment Act of 1990, as amended by section 2903(b) of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1911).

(b) REQUIREMENT FOR APPLICATION.—Facilities or improvements may be demolished under subsection (a) only upon application by the redevelopment authority concerned or another official representative of the community to which real property concerned was or will be transferred.

(c) FUNDING.—Amounts in the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 shall be available for the demolition of facilities and improvements under this section.

SA 3337. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1022. REPORT ON POST-MAJOR COMBAT OPERATIONS PHASE OF OPERATION IRAQI FREEDOM.

(a) REPORT REQUIRED.—(1) Not later than March 31, 2005, the Secretary of Defense shall submit to the congressional defense committees a report on the conduct of military operations during the post-major combat operations phase of Operation Iraqi Freedom.

(2) The report shall be prepared in consultation with the Chairman of the Joint Chiefs of Staff, the Commander of the United States Central Command, and such other officials as the Secretary considers appropriate.

(b) CONTENT.—(1) The report shall include a discussion of the matters described in paragraph (2), with a particular emphasis on accomplishments and shortcomings and on near-term and long-term corrective actions to address such shortcomings.

(2) The matters to be discussed in the report are as follows:

(A) The military and political objectives of the international coalition conducting the post-major combat operations phase of Operation Iraqi Freedom, and the military strategy selected to achieve such objectives, together with an assessment of the execution of the military strategy.

(B) The mobilization process for the reserve components of the Armed Forces, including the timeliness of notification, training and certification, and subsequent demobilization.

(C) The use and performance of major items of United States military equipment, weapon systems, and munitions (including items classified under special access procedures and items drawn from prepositioned stocks) and any expected effects of the experience with the use and performance of such items on the doctrinal and tactical employment of such items and on plans for continuing the acquisition of such items.

(D) Any additional requirements for military equipment, weapon systems, munitions, force structure, or other capability identified during the post-major combat operations phase of Operation Iraqi Freedom, including changes in type or quantity for future operations.

(E) The effectiveness of joint air operations, together with an assessment of the effectiveness of—

(i) the employment of close air support; and

(ii) attack helicopter operations.

(F) The use of special operations forces, including operational and intelligence uses.

(G) The scope of logistics support, including support from other nations and from international organizations and organizations and individuals from the private sector in Iraq.

(H) The incidents of accidental fratricide, including a discussion of the effectiveness of the tracking of friendly forces and the use of the combat identification systems in mitigating friendly fire incidents.

(I) The adequacy of spectrum and bandwidth to transmit information to operational forces and assets, including unmanned aerial vehicles, ground vehicles, and individual soldiers.

(J) The effectiveness of strategic, operational, and tactical information operations, including psychological operations and assets, organization, and doctrine related to civil affairs, in achieving established objectives, together with a description of technological and other restrictions on the use of information operations capabilities.

(K) The effectiveness of the reserve component forces used in the post-major combat operations phase of Operation Iraqi Freedom.

(L) The adequacy of intelligence support before and during the post-major combat operations phase of Operation Iraqi Freedom, including the adequacy of such support in searches for weapons of mass destruction.

(M) The rapid insertion and integration, if any, of developmental but mission-essential equipment, organizations, or procedures during the post-major combat operations phase of Operation Iraqi Freedom.

(N) The adequacy of coordination, communication, and unity of effort between the Armed Forces, the Coalition Provisional Authority, other United States government agencies and organizations, nongovernmental organizations, and political, security, and nongovernmental organizations of Iraq.

(O) The role and performance of all contracting and subcontracting operations and contractor support.

(P) The adequacy of training for military units once deployed to the United States Central Command, including training for changes in unit mission and continuation training for high-intensity conflict missions.

(Q) An assessment of the funding required to return or replace equipment used to date in Operation Iraqi Freedom, including equipment in prepositioned stocks, to mission-ready condition, and an identification of the assumptions used to formulate the assessment.

(R) The effectiveness of military civil affairs and reconstruction efforts, including through the Commanders Emergency Response Program.

(S) The adequacy of the requirements determination and acquisition processes, acquisition, and distribution of force protection equipment, including personal gear, vehicles, helicopters, and defense devices.

(T) The most critical lessons learned that could lead to long-term doctrinal, organizational, and technological changes, and the probable effects that an implementation of those changes would have on current visions, goals, and plans for transformation of the Armed Forces or the Department of Defense.

(c) FORM OF REPORT.—The report shall be submitted in unclassified form, but may include a classified annex.

(d) POST-MAJOR COMBAT OPERATIONS PHASE OF OPERATION IRAQI FREEDOM DEFINED.—In this section, the term ''post-major combat operations phase of Operation Iraqi Freedom'' means the period of Operation Iraqi Freedom beginning on May 2, 2003, and ending on December 31, 2004.

SA 3338. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1044. REALLOCATION OF FUNDS FOR GROUND-BASED MIDCOURSE DEFENSE PROGRAM INTERCEPTORS TO HOMELAND DEFENSE AND COMBATING TERRORISM.

(a) REDUCTION.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby reduced by $515,500,000, with the amount of the reduction to be allocated to amounts available for the Missile Defense Agency for Ground-based Midcourse interceptors.

(b) ALLOCATION OF INCREASE.—In addition to amounts otherwise authorized to be appropriated in this Act—

(1) the amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities is hereby increased by $210,800,000, with the amount of the increase to be allocated to the Global Threat Reduction Initiative;

(2) the amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby increased by $50,000,000, with the amount of the increase to be allocated to North American Aerospace Defense (NORAD) for low-altitude threat detection and response technology;

(3) the amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force is hereby increased by $13,300,000, with the amount of the increase to be allocated to Northern Command consequence management networks to facilitate military support to civil authorities;

(4) the amount authorized to be appropriated by this Act is increased by $130,000,000 for domestic installations Antiterrorism/Force Protection and Antiterrorism/Force Protection exercises and training identified by Northern Command, with authorizations of appropriations to be increased so that—

(A) the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army is increased by $19,000,000;

(B) the amount authorized to be appropriated by section 301(6) for operation and maintenance for the Army Reserve is increased by $15,000,000; and

(C) the amount authorized to be appropriated by section 301(10) for operation and maintenance for the Army National Guard is increased by $96,000,000;

(5) the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby increased by $15,000,000, with the amount of the increase to be allocated to the Combating Terrorism Technology Support Working Group for programs to detect explosives at stand-off distances, blast mitigation, and information security; and

(6) the amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities is hereby increased by $30,000,000, with the amount of the increase to be allocated to the megaports program;

(7) the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby increased by $15,000,000, with the amount of the increase to be allocated to the Defense Threat Reduction Agency for Weapons of Mass Destruction Defeat Technologies-Radiation/Nuclear Detection;

(8) the amount authorized to be appropriated by section 3101(a)(2) for the National Nuclear Security Administration for defense nuclear nonproliferation activities is hereby increased by $20,000,000, with the amount of the increase to be allocated to basic research on radiation and other standoff detection devices, and for stand-off explosive detection;

(9) the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide activities, is hereby increased by $10,000,000, with the amount of the increase to be allocated to the Chemical-Biological Defense Program for Chemical Agent Standoff Detection; and

(10) the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy is hereby increased by $21,400,000, with the amount of the increase to be allocated to Chemical/Biological Detection Equipment for Explosive Ordnance Disposal detachments and chemical-biological protective equipment for Navy and Marine Corps aircrews.

SA 3339. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE XXXIV—MARITIME ADMINISTRATION

SEC. 3401. MODIFICATION OF PRIORITY AFFORDED APPLICATIONS FOR NATIONAL DEFENSE TANK VESSEL CONSTRUCTION ASSISTANCE.

Section 3542(d) of the Maritime Security Act of 2003 (title XXXV of Public Law 108–136; 117 Stat. 1821; 46 U.S.C. 53101 note) is amended—

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

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) shall give priority consideration to a proposal submitted by an applicant who has been accepted for participation in the Shipboard Technology Evaluation Program as outlined in Navigation and Vessel Inspection Circular 01–04, issued by the Commandant of the United States Coast Guard on January 2, 2004; and''.

SA 3340. Mr. LEVIN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the

Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2844. AUTHORITY TO SETTLE CLAIM OF OAKLAND BASE REUSE AUTHORITY AND REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND, CALIFORNIA.

(a) AUTHORITY.—The Secretary of the Navy may pay funds as agreed to by both parties, in the amount of $2,100,000, to the Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland, California, in settlement of Oakland Base Reuse Authority and Redevelopment Agency of the City of Oakland v. the United States, Case No. C02–4652 MHP, United States District Court, Northern District of California, including any appeal.

(b) CONSIDERATION.—As consideration, the Oakland Base Reuse Authority and Redevelopment Agency shall agree that the payment constitutes a final settlement of all claims against the United States related to said case and give to the Secretary a release of all claims to the eighteen officer housing units located at the former Naval Medical Center Oakland, California. The release shall be in a form that is satisfactory to the Secretary.

(c) SOURCE OF FUNDS.—The Secretary may use funds in the Department of Defense Base Closure Account 1990 established pursuant to section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for the payment authorized by subsection (a) or the proceeds of sale from the eighteen housing units and property described in subsection (b).

SA 3341. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, between lines 4 and 5, insert the following:

SEC. 313. AMOUNT FOR REPAIR AND RESTORATION OF ARMY EQUIPMENT.

Of the amount authorized to be appropriated under section 301(1), $557,000,000 shall be available for repair and restoration of Army equipment used in Operation Iraqi Freedom and Operation Enduring Freedom.

SA 3342. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI add the following:

SEC. 1107. FULL IMPLEMENTATION OF CERTAIN PERSONNEL MANAGEMENT AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE LABORATORIES.

(a) INDEPENDENT ASSESSMENT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall enter into a contract with an appropriate person or entity in the private sector to provide for an assessment of various means by which the personnel management authorities referred to in subsection (b) may be best implemented at the Department of Defense laboratories covered by such authorities in order to achieve the objectives as follows:

(1) To increase the mission responsiveness, efficiency, and effectiveness of such laboratories.

(2) To make such laboratories fully competitive with their industrial, academic, and foreign counterparts.

(b) PERSONNEL AUTHORITIES.—The personnel authorities referred to in this subsection are as follows:

(1) The personnel management authorities applicable to Department of Defense science and technology laboratories under the personnel demonstration projects carried out pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

(2) The special personnel management authorities for research and development projects administered by the Defense Advanced Research Projects Agency under section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(3) The National Security Personnel System under section 9902 of title 5, United States Code, with respect to the laboratories referred to in subsection (c)(2) of such section.

(c) IMPLEMENTATION PLAN.—(1) The Under Secretary shall develop a plan to implement fully the authorities referred to in subsection (b) in order to achieve the objectives specified in subsection (a).

(2) The Under Secretary may include in the plan recommendations for such modifications of the authorities referred to in subsection (b), or such additional personnel management authorities, as the Under Secretary considers appropriate to achieve the objectives specified in subsection (a).

(3) The Under Secretary shall take into account the results of the assessment under subsection (a) in carrying out this subsection.

(d) SUBMITTAL OF ASSESSMENT AND PLAN TO CONGRESS.—(1) The Under Secretary shall submit to Congress a report on the assessment under subsection (a) not later than June 1, 2005.

(2) The Under Secretary shall submit to Congress the implementation plan developed under subsection (c) not later than February 1, 2006.

SA 3343. Ms. CANTWELL (for herself, Mr. REID, and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 408, between lines 9 and 10, insert the following:

SEC. 3147. LIMITATION ON USE OF FUND FOR CONTRACT FOR NATIONWIDE MEDICAL SCREENING OF DEPARTMENT OF ENERGY WORKERS EXPOSED TO HAZARDOUS OR RADIOACTIVE SUBSTANCES.

(a) LIMITATION.—The Secretary of Energy may not obligate or expend any funds for the evaluation, award, execution, implementation, or administration of a nationwide contract or cooperative agreement for medical screening of Department of Energy workers exposed to hazardous or radioactive substances under the program under section 4643 of the Atomic Energy Defense Act (50 U.S.C. 2733) until the accomplishment of each of the following:

(1) The Secretary of Energy enters into an agreement with the Secretary of Health and Human Services through the National Institute for Occupational Safety and Health on the program as required by subsection (c) of such section.

(2) The Secretary of Energy consults with the Director of the National Institute for Occupational Safety and Health on the means, methods, and implementation plans for medical screening of such workers, as currently proposed by the Secretary of Energy, in order to address—

(A) the performance of site-specific hazard identification and risk assessments to determine the appropriate methods and means for identifying health affects;

(B) the methods for ensuring the collaboration and participation of workers and their representatives;

(C) the establishment of local advisory committees of individuals and stakeholder organizations with knowledge of the site concerned or the ability to contribute to the appropriate methods of screening, or both;

(D) the participation of local health care providers with knowledge and expertise in the field of occupational medicine;

(E) the implementation of site-specific education and outreach to former workers;

(F) physician independence in such medical screening;

(G) requirements for ongoing medical evaluations under such section;

(H) early lung cancer detection using advanced technology; and

(I) lessons learned from medical screening pilot projects previously conducted at Department of Energy facilities.

(3) The Secretary of Energy consults with organizations listed in subsection (b)(3) of such section on matters relating to the program under subsection (b)(1) of such section and paragraph (2) of this subsection.

(4) The Secretary of Energy submits to the congressional defense committees a report setting forth—

(A) the assessment and recommendations of the Secretary of Health and Human Services on the program, which assessment and recommendations shall be based upon internal review and peer review of the program by the National Institute of Occupational Safety and Health;

(B) the recommendations of the organizations listed in subsection (b)(3) of such section;

(C) a description of the manner in which the Secretary has taken into account the recommendations of the National Institute of Occupational Safety and Health and the organizations listed in subsection (b)(3) of such section in modifying program; and

(D) the proposed schedule of the Secretary for a revised request for applications for such contract or contracts for medical screening, including a description of the manner in which the revisions to the program, if any, conform to the recommendations of the National Institute of Occupational Safety and Health and the organizations listed in subsection (b)(3) of such section.

(b) DEADLINE FOR REPORT.—The report referred to in subsection (a)(4) shall be submitted not later than 120 days after the date of the enactment of this Act.

(c) EXISTING MEDICAL SCREENING PROGRAMS UNAFFECTED.—Nothing in this section shall be construed to affect the implementation of any medical screening program for former workers exposed to hazardous or radioactive substances that was in effect during fiscal year 2004.

SA 3344. Mr. BYRD (for himself, Ms. SNOWE, Mr. KERRY, Mr. ALLEN, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 167, strike line 6 and all that follows through ''(4)'' on page 170, line 10, and insert the following:

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

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

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

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

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

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

(d) DUTIES.—(1) The Commission shall—

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

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

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

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

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

(C) Any current or projected shortages of a critical technology (as defined in section 2500(6) of title 10, United States Code), or the raw materials necessary for the production of such technology, that could adversely affect the national security of the United States.

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

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

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

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

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

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

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

(e) REPORT.—Not later than March 1, 2007, the Commission shall submit a report on its activities to the President and Congress. The report shall include the following matters:

(1) The findings and conclusions of the Commission.

(2) The recommendations of the Commission for actions by Federal Government officials to support the maintenance of a robust national technology and industrial base in the 21st century.

(3) The recommendations of the Commission for addressing shortages in critical technologies, and shortages of raw materials necessary for the production of critical technologies, that could adversely affect the national security of the United States.

(4) Any recommendations for legislation or changes in regulations to support the implementation of the findings of the Commission.

(5)

SA 3345. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, after line 21, insert the following:

SEC. 717. SCREENING FOR EXPOSURE TO DEPLETED URANIUM.

(a) PERSONNEL BEING DEPLOYED.—(1) The Secretary of Defense shall require all members of the Armed Forces being deployed to Afghanistan, Iraq, or elsewhere in the Persian Gulf region to provide, prior to and immediately following such deployment, a sample of urine solely for the purpose of analysis under paragraph (2).

(2) The Secretary shall promptly analyze each urine sample provided under paragraph (1) by mass spectrometry to determine—

(A) the concentration of uranium in the urine; and

(B) the ratios of—

(i) uranium-238 to uranium-235;

(ii) uranium-234 to uranium-238; and

(iii) uranium-236 to uranium-238.

(b) PERSONNEL PREVIOUSLY DEPLOYED.—(1) The Secretary of Defense shall require each member of the Armed Forces who departed for or returned from a deployment to Afghanistan, Iraq, or elsewhere in the Persian Gulf region before the date of the enactment of this Act to provide to the Secretary, as soon as practicable, a urine sample solely for the purpose of analysis under paragraph (2).

(2) Not later than 30 days after the receipt of a sample under paragraph (1), the Secretary shall subject the sample to the analysis described in subsection (a)(2).

(c) FOLLOWUP SCREENING.—The Secretary shall provide health screening at regular intervals for any member of the Armed Forces who demonstrates—

(1) a concentration of depleted uranium (as determined under paragraph (2)(A) of subsection (a)) in the urine that—

(A) in the case of a member providing samples under paragraph (1) of such subsection, is significantly higher in the sample provided after service in Afghanistan, Iraq, or elsewhere in the Persian Gulf region than the corresponding value for the sample provided by such member before the service in Afghanistan, Iraq, or elsewhere in the Persian Gulf region, as the case may be; or

(B) in the case of a member providing a sample under paragraph (1) of subsection (b), is significantly higher in the sample provided than in samples provided by age-matched and gender-matched members of the Armed Forces who have not served in Afghanistan, Iraq, or elsewhere in the Persian Gulf or; or

(2) a ratio of uranium isotopes (as determined under paragraph (2)(B) of subsection (a)) that—

(A) in the case of a member providing samples under paragraph (1) of such subsection, is significantly different in the sample provided after service in Afghanistan, Iraq, or elsewhere in the Persian Gulf region than the corresponding value for the sample provided by such member before the service in Afghanistan, Iraq, or elsewhere in the Persian Gulf region; or

(B) in the case of a member providing a sample under paragraph (1) of subsection (b), is significantly different in the sample provided than in samples provided by age-matched and gender-matched members of the Armed Forces who have not served in Afghanistan, Iraq, or elsewhere in the Persian Gulf region.

(d) IDENTIFICATION AND DECONTAMINATION OF AREAS OF HIGH DEPLETED URANIUM CONCENTRATION.—(1) The Secretary of Defense shall identify all areas in Iraq and Afghanistan in which depleted uranium has been used.

(2) For each area identified under paragraph (1), the Secretary shall—

(A) remove or otherwise decontaminate all soil contaminated with depleted uranium;

(B) remove any equipment that is radioactive;

(C) prevent access of children and adults to the area; and

(D) monitor the groundwater for contamination with depleted uranium.

(3) The Secretary shall award grants to independent researchers to conduct ongoing epidemiological studies on—

(A) cancers occurring in children in the areas identified under paragraph (1); and

(B) birth defects in children born in such areas.

SA 3346. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year

for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. REDUCTION OF BARRIERS FOR HISPANIC-SERVING INSTITUTIONS IN DEFENSE CONTRACTS, DEFENSE RESEARCH PROGRAMS, AND OTHER MINORITY-RELATED DEFENSE PROGRAMS.

Section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)) is amended—

(1) in subparagraph (A), by inserting ''and'' after the semicolon;

(2) in subparagraph (B), by striking ''; and'' and inserting a period; and

(3) by striking subparagraph (C).

SA 3347. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 384, strike line 3 and all that follows through page 385, line 21.

SA 3348. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 384, line 3, strike ''**DEFENSE**'' and all that follows through page 385, line 21, and insert ''**NATIONAL ACADEMY OF SCIENCES STUDY ON MANAGEMENT BY DEPARTMENT OF ENERGY OF HIGH-LEVEL RADIOACTIVE WASTE**.

(a) STUDY REQUIRED.—The Secretary of Energy shall enter into an arrangement with the National Research Council of the National Academy of Sciences to carry out a study of the plans of the Department of Energy to manage the waste streams specified in subsection (b) that are not currently planned for disposal in a high-level repository.

(b) COVERED WASTE STREAMS.—The waste streams referred to in subsection (a) are the streams of high-level radioactive waste at—

(1) the Savannah River Site, Aiken, South Carolina;

(2) the Idaho National Engineering and Environmental Laboratory, Idaho; and

(3) the Hanford Site, Richland, Washington.

(c) ELEMENTS OF STUDY.—The study required under subsection (a) shall evaluate—

(1) the physical, chemical, and radiological characteristics of the waste referred to in subsection (b), including the waste proposed to be left indefinitely in storage tanks;

(2) the probability that such waste, if left indefinitely in storage tanks, will leak into the environment and the range of potential dangers such leakage would represent;

(3) the plans of the Department of Energy for the disposal of the high-level radioactive waste that the Department had planned, before certain litigation in Federal district court in 2003 on ''Waste Incidental to Reprocessing'', to reclassify as low-level waste;

(4) treatment and disposal alternatives to the plans referred to in paragraph (3), including, for each such alternative, assessments of the technology approaches and of the implications with respect to cost, worker safety, and long-term environmental and human health;

(5) the adequacy of the plans referred to in subsection (a), including Department of Energy Order No. 435.1, to protect, for the long term, the environment and population surrounding each site referred to in subsection (b); and

(6) any other matters that the National Research Council considers appropriate and directly related to the subject matter of the study.

(d) RECOMMENDATIONS REQUIRED.—In carrying out the study, the National Research Council shall develop recommendations relating to the subject matter of the study. The recommendations shall include—

(1) recommendations for improving the scientific basis for managing the waste covered by the study, including alternative criteria for determining what waste should be managed as ''Waste Incidental to Reprocessing''; and

(2) any other recommendations that the National Research Council considers appropriate and directly related to the subject matter of the study.

(e) REPORTS.—The National Research Council shall submit to the Secretary of Energy and the congressional defense committees—

(1) not later than six months after entering into the arrangement required under subsection (a), an interim report on the study with respect to the waste proposed to be left indefinitely in storage tanks, including the tentative findings, conclusions, and recommendations with respect to such waste; and

(2) not later than one year after entering into the arrangement required under subsection (a), a final report on the study, including all findings, conclusions, and recommendations.

(f) PROVISION OF INFORMATION.—The Secretary of Energy shall make available to the National Research Council all information that the National Research Council considers necessary to carry out, in a timely manner, its responsibilities under this section.

(g) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2005 by section 3102 for environmental management activities in carrying out programs necessary for national security, $1,500,000 shall be available only for carrying out the study required under this section.

SA. 3349. Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 365, between lines 18 and 19, insert the following:

SEC. 2830. MODIFICATION OF AUTHORITY FOR LAND CONVEYANCE, EQUIPMENT AND STORAGE YARD, CHARLESTON, SOUTH CAROLINA.

Section 563(h) of the Water Resources Development Act of 1999 (Public Law 106–53; 113 Stat. 360) is amended to read as follows:

''(h) CHARLESTON, SOUTH CAROLINA.—

''(1) IN GENERAL.—The Secretary may convey to the City of Charleston, South Carolina all right, title, and interest of the United States in and to a parcel of real property of the Corps of Engineers, together with any improvements thereon, that is known as the Equipment and Storage Yard and is located on Meeting Street in Charleston, South Carolina, in as-is condition.

''(2) CONSIDERATION.—As consideration for the conveyance of property under paragraph (1), the City of Charleston, South Carolina shall provide the United States, whether by cash payment, exchange of property or facilities, or a combination thereof, an amount that is not less than the fair market value of the property conveyed, as determined by the Secretary.

''(3) DISCHARGE OF AUTHORITY THROUGH DIVISION ENGINEER, SOUTH ATLANTIC DIVISION.—The Division Engineer, South Atlantic Division, may, on behalf of the United States, execute deeds of conveyance and accept the consideration described in paragraph (2) in connection with the conveyance of property under paragraph (1).

''(4) USE OF PROCEEDS.—Amounts received as consideration under this subsection may be used by the Corps of Engineers, Charleston District—

''(A) to cover costs associated with the lease, purchase, or construction of an office facility within the boundaries of Charleston, Berkeley, and Dorchester Counties, South Carolina, notwithstanding any requirements in the Plant Replacement and Improvement Program (PRIP), or existing PRIP balances;

''(B) to cover any of the costs previously incurred in connection with the move of the District Headquarters of the Charleston District; or

''(C) to cover any of the costs previously incurred in connection with the Equipment and Storage Yard.''.

SA 3350. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2804. REPEAL OF LIMITATION ON BUDGET AUTHORITY FOR MILITARY FAMILY HOUSING PROJECTS UNDER ALTERNATIVE AUTHORITY FOR THE ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

Section 2883(g) of title 10, United States Code, is amended by striking ''shall not exceed'' and all that follows and inserting ''for the acquisition or construction of military unaccompanied housing shall not exceed $150,000,000.''.

SA 3351. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction,

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

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

SEC. 217. PROTOTYPE LITTORAL ARRAY SYSTEM FOR OPERATING SUBMARINES.

(a) INCREASE IN AMOUNT FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY.—The amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy is hereby increased by $5,000,000.

(b) AVAILABILITY OF AMOUNT.—Of the amount authorized to be appropriated by section 201(2) for research, development, test, and evaluation for the Navy, as increased by subsection (a), $5,000,000 shall be available for Program Element PE 0604503N for the design, development, and testing of a prototype littoral array system for operating submarines.

(c) OFFSET.—The amount authorized to be appropriated by section 201(3) for research, development, test, and evaluation for the Air Force is hereby reduced by $5,000,000, with the amount of the reduction to be allocated to Program Element PE 604421F for counterspace systems project A002.

SA 3352. Mr. REED (for himself, Mr. HAGEL, Mr. MCCAIN, Mr. CORZINE, Mr. AKAKA, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 59, line 7, strike ''482,400'' and insert ''502,400''.

SA 3353. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 25, insert the following:

SEC. 224. LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR GROUND-BASED MIDCOURSE DEFENSE PROGRAM PENDING SUBMISSION OF OPERATIONAL TEST REPORT.

Of the amount authorized to be appropriated for fiscal year 2005 by section 201(4) for research, development, test, and evaluation, Defense-wide, and available for the Missile Defense Agency for Ground-based Midcourse interceptors, and long-lead items for such interceptors, $550,500,000 may not be obligated or expended until the occurrence of each of the following:

(1) The Director of Operational Test and Evaluation has approved, in writing, the adequacy of the plans (including the projected level of funding) for operational test and evaluation to be conducted in connection with the Ground-based Midcourse Defense program in accordance with section 2399(b)(1) of title 10, United States Code.

(2) Initial operational test and evaluation of the program is completed in accordance with section 2399(a)(1) of such title.

(3) The Director of Operational Test and Evaluation has submitted to the Secretary of Defense and the congressional defense committees a report stating whether the test and evaluation performed were adequate and whether the results of the test and evaluation confirm that the Ground-based Midcourse Defense system is effective and suitable for combat, in accordance with section 2399(b)(3) of such title.

(4) The congressional defense committees have received the report under paragraph (3).

SA 3354. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 25, insert the following:

SEC. 224. BASELINES AND OPERATIONAL TEST AND EVALUATION FOR BALLISTIC MISSILE DEFENSE SYSTEM.

(a) OPERATIONAL TESTS.—(1) The Director of the Missile Defense Agency shall prepare for and conduct, on an independent basis, operationally realistic tests of each block configuration of the Ballistic Missile Defense System being fielded.

(2) The tests shall be designed to permit the evaluation of each block configuration of the Ballistic Missile Defense System being fielded by the Director of Operational Test and Evaluation.

(3) The Director of the Missile Defense Agency shall carry out tests under paragraph (1) through an independent agent, assigned by the Director for such purpose, who shall plan and manage such tests.

(b) APPROVAL OF PLANS FOR TESTS.—The Secretary of Defense shall assign the Director of Operational Test and Evaluation the responsibility for approving each plan for tests developed under subsection (a).

(c) EVALUATION.—(1) The Director of Operational Test and Evaluation shall evaluate the results of each test conducted under subsection (a) as soon as practicable after the completion of such test.

(2) The Director shall submit to the Secretary of Defense and the congressional defense committees a report on the evaluation of each test conducted under subsection (a) upon completion of the evaluation of such test under paragraph (1).

(d) COST, SCHEDULE, AND PERFORMANCE BASELINES.—(1) The Director of the Missile Defense Agency shall establish cost, schedule, and performance baselines for each block configuration of the Ballistic Missile Defense System being fielded. The cost baseline for a block configuration shall include full life cycle costs for the block configuration.

(2) The Director shall include the baselines established under paragraph (1) in the first Selected Acquisition Report for the Ballistic Missile Defense System that is submitted to Congress under section 2432 of title 10, United States Code, after the establishment of such baselines.

(3) The Director shall also include in the Selected Acquisition Report submitted to Congress under paragraph (2) the significant assumptions used in determining the performance baseline under paragraph (1), including any assumptions regarding threat missile countermeasures and decoys.

(e) VARIATIONS AGAINST BASELINES.—In the event the cost, schedule, or performance of any block configuration of the Ballistic Missile Defense System varies significantly (as determined by the Director of the Ballistic Missile Defense Agency) from the applicable baseline established under subsection (d), the Director shall include such variation, and the reasons for such variation, in the Selected Acquisition Report submitted to Congress under section 2432 of title 10, United States Code.

(f) MODIFICATIONS OF BASELINES.—In the event the Director of the Missile Defense Agency elects to undertake any modification of a baseline established under subsection (d), the Director shall submit to the congressional defense committees a report setting forth the reasons for such modification.

SA 3355. Mr. REED (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. MANUFACTURING EXTENSION PARTNERSHIP FUNDING.

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

(1) More than 13 percent of Army and Navy aircraft are grounded at any one time due to problems in defense supply chains that prevent timely availability of parts necessary for the maintenance and repair of such aircraft.

(2) Problems in defense supply chains comprise the predominant cause of chronic shortages of parts needed for Navy aircraft.

(3) Because firms with fewer than 500 employees comprise more than 80 percent of the defense supply chains, programs that improve the performance of the defense supply chains can also improve the readiness of the Army and Navy to protect the national security interests of the United States.

(4) The Manufacturing Extension Partnership of the National Institute of Standards and Technology is active within United States defense supply chains to assist small sub-tier suppliers to reduce costs, boost productivity, and accelerate deliveries.

(5) Large suppliers have expressed reliance on the Manufacturing Extension Partnership to promote improvements in the cost and quality of products of the small manufacturing firms on which they rely for component parts and assemblies.

(b) FUNDING OF MEP CENTERS AND OFFICES.—The Secretary of Commerce shall use funds from the working capital fund established under section 301 of the Act of June 28, 1944 (58 Stat. 415; 15 U.S.C 1521) for rent, utilities, and information technology payments for the Manufacturing Extension Partnership centers and offices established under section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 278k).

(c) PROHIBITION ON REIMBURSEMENT.—The working capital fund referred to in subsection (b) may not be reimbursed from any source for amounts transferred or disbursed from the working capital fund under that subsection.

(d) PERIOD OF APPLICABILITY.—This section shall take effect as of October 1, 2003. The requirement under subsection (b) shall terminate at the end of September 30, 2004.

SEC. 1069. CLARIFICATION OF FISCAL YEAR 2004 FUNDING LEVEL FOR A NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACCOUNT.

For the purposes of applying sections 204 and 605 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (division B of Public Law 108–199) to matters in title II of such Act under the heading ''NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY'' (118 Stat.69), in the account under the heading ''INDUSTRIAL TECHNOLOGY SERVICES'', the Secretary of Commerce shall make all determinations based on the Industrial Technology Services funding level of $218,782,000 for reprogramming and transferring of funds for the Manufacturing Extension Partnership program and shall submit such a reprogramming or transfer, as the case may be, to the appropriate committees within 30 days after the date of the enactment of this Act.

SA 3356. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 384, strike line 2 and all that follows through page 385, line 21, and insert the following:

1 of each year thereafter''. This section shall become effective one day after enactment.

SA 3357. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 389, strike line 24 and all that follows through page 391, line 7, and insert the following: later than one year and one day after the date of the enactment of this Act.

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

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

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

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

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

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

(3) The Hanford Site, Richland, Washington.

(d) Section 3116 of this bill shall have no effect on other states. Nothing in section 3116 shall alter or jeopardize the full implementation of the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91–0035–S–EJL, and United States v. Batt, Civil No. 91–0054–S–EJL, in the United States District Court for the District of Idaho and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement, the Idaho National Engineering Laboratory Federal Facility Agreement and Consent Order, or the Hanford Federal Facility Agreement and Consent Order. Furthermore, nothing in this section establishes any precedent or is binding on the States of Idaho, Washington, or any other state for the management, storage, treatment, and disposition of radioactive and hazardous materials.

SA 3358. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3116 and insert the following:

SEC. 3116. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

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

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

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

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

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

(3) The Hanford Site, Richland, Washington.

(d) Section 3119 of this Act shall have no effect.

SA 3359. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3116 and insert the following:

SEC. 3116. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

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

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

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

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

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

(3) The Hanford Site, Richland, Washington.

(d) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into a contract with the National Research Council of the National Academies to conduct a study of the necessary technologies and research gaps in the Department of Energy's program to remove high-level radioactive waste from the storage tanks at the Department's sites in South Carolina, Washington and Idaho.

(e) MATTERS TO BE ADDRESSED IN STUDY.—The study shall address the following:

(1) The quantities and characteristics of waste in each high-level waste storage tank described in paragraph (a), including data uncertainties;

(2) The technologies by which high-level radioactive waste is currently being removed from the tanks for final disposal under the Nuclear Waste Policy Act;

(3) Technologies currently available but not in use in removing high-level radioactive waste from the tanks;

(4) Any technology gaps that exist to effect the removal of high-level radioactive waste from the tanks;

(5) Other matters that in the judgement of the National Research Council directly relate to the focus of this study.

(f) TIME LIMITATION.—The National Research Council shall conduct the review over a one year period beginning upon execution of the contract described in subsection (a).

(g) REPORTS.—

(1) The National Research Council shall submit its findings, conclusions and recommendations to the Secretary of Energy and to the relevant Committees of jurisdiction of the United States Senate and House of Representatives.

(2) The final report shall be submitted in unclassified form with classified annexes as necessary.

(h) PROVISION OF INFORMATION—The Secretary of Energy shall make available to the National Research Council all of the information necessary to complete its report in a timely manner.

(1) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For purposes of facilitating the commencement of the study under this section, the Secretary of Energy shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(j) FUNDING.—Of the amount authorized to be appropriated in section 3102(a)(1) for environmental management for defense site acceleration completion, $750,000 shall be available for the study authorized under this section.

(k) Section 3119 of this Act shall have no effect.

SA 3360. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3116 and insert the following:

SEC. 3116. NATIONAL ACADEMY OF SCIENCES STUDY.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into a contract with the National Research Council of the National Academies to conduct a study of the necessary technologies and research gaps in the Department of Energy's program to remove high-level radioactive waste from the storage tanks at the Department's sites in South Carolina, Washington and Idaho.

(b) MATTERS TO BE ADDRESSED IN STUDY—The study shall address the following:

(1) The quantities and characteristics of waste in each high-level waste storage tank described in paragraph (a), including data uncertainties;

(2) The technologies by which high-level radioactive waste is currently being removed from the tanks for final disposal under the Nuclear Waste Policy Act;

(3) Technologies currently available but not in use in removing high-level radioactive waste from the tanks;

(4) Any technology gaps that exist to effect the removal of high-level radioactive waste from the tanks;

(5) Other matters that in the judgement of the National Research Council directly relate to the focus of this study.

(c) TIME LIMITATION.—The National Research Council shall conduct the review over a one year period beginning upon execution of the contract described in subsection (a).

(d) REPORTS.—

(1) The National Research Council shall submit its findings, conclusions and recommendations to the Secretary of Energy and to the relevant Committees of jurisdiction of the United States Senate and House of Representatives.

(2) The final report shall be submitted in unclassified form with classified annexes as necessary.

(e) PROVISION OF INFORMATION.—The Secretary of Energy shall make available to the National Research Council all of the information necessary to complete its report in a timely manner.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For purposes of facilitating the commencement of the study under this section, the Secretary of Energy shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDING.—Of the amount authorized to be appropriated in section 3102(a)(1) for environmental management for defense site acceleration completion, $750,000 shall be available for the study authorized under this section.

SA 3361. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3116.

SA 3362. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 384, strike line 2 and all that follows through page 385, line 21, and insert the following:

''1 of each year thereafter''. This section shall become effective one day after enactment.

SEC. 3116. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

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

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

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

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

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

(3) The Hanford Site, Richland, Washington.

(d) Section 3119 of this Act shall have no effect.

SA 3363. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 384, strike line 2 and all that follows through page 385, line 21, and insert the following:

''1 of each year thereafter''. This section shall become effective one day after enactment.

SEC. 3116. NATIONAL ACADEMY OF SCIENCES STUDY.

(a) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into a contract with the National Research Council of the National Academies to conduct a study of the necessary technologies and research gaps in the Department of Energy's program to remove high-level radioactive waste from the storage tanks at the Department's sites in South Carolina, Washington and Idaho.

(b) MATTERS TO BE ADDRESSED IN STUDY.—The study shall address the following:

(1) The quantities and characteristics of waste in each high-level waste storage tank described in paragraph (a), including data uncertainties;

(2) The technologies by which high-level radioactive waste is currently being removed from the tanks for final disposal under the Nuclear Waste Policy Act;

(3) Technologies currently available but not in use in removing high-level radioactive waste from the tanks;

(4) Any technology gaps that exist to effect the removal of high-level radioactive waste from the tanks;

(5) Other matters that in the judgment of the National Research Council directly relate to the focus of this study.

(c) TIME LIMITATION.—The National Research Council shall conduct the review over a one-year period beginning upon execution of the contract described in subsection (a).

(d) REPORTS.—

(1) The National Research Council shall submit its findings, conclusions and recommendations to the Secretary of Energy and to the relevant Committees of jurisdiction of the United States Senate and House of Representatives.

(2) The final report shall be submitted in unclassified form with classified annexes as necessary.

(e) PROVISION OF INFORMATION.—The Secretary of Energy shall make available to the National Research Council all of the information necessary to complete its report in a timely manner.

(f) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For purposes of facilitating the commencement of the study under this section, the Secretary of Energy shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(g) FUNDINGS.—Of the amount authorized to be appropriated in section 3102(a)(1) for environmental management for defense site acceleration completion, $750,000 shall be available for the study authorized under this section.

SA 3364. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 384, strike line 2 and all that follows through page 385, line 21, and insert the following:

1 of each year thereafter''. This section shall become effective one day after enactment.

SEC. 3116. ON-SITE TREATMENT AND STORAGE OF WASTES FROM REPROCESSING ACTIVITIES AND RELATED WASTE.

(a) Notwithstanding any other provision of law the Department of Energy shall continue

all activities related to the storage, retrieval, treatment, separation and on-site disposition of tank wastes currently managed as high level radioactive waste in accordance with treatment and closure plans approved by the state in which the activities are taking place as part of a program to cleanup and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

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

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

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

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

(3) The Hanford Site, Richland, Washington.

(d) REVIEW BY NATIONAL RESEARCH COUNCIL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall enter into a contract with the National Research Council of the National Academies to conduct a study of the necessary technologies and research gaps in the Department of Energy's program to remove high-level radioactive waste from the storage tanks at the Department's sites in South Carolina, Washington and Idaho.

(e) MATTERS TO BE ADDRESSED IN STUDY.—The study shall address the following:

(1) The quantities and characteristics of waste in each high-level waste storage tank described in paragraph (a), including data uncertainties;

(2) The technologies by which high-level radioactive waste is currently being removed from the tanks for final disposal under the Nuclear Waste Policy Act;

(3) Technologies currently available but not in use in removing high-level radioactive waste from the tanks;

(4) Any technology gaps that exist to effect the removal of high-level radioactive waste from the tanks;

(5) Other matters that in the judgment of the National Research Council directly relate to the focus of this study.

(f) TIME LIMITATION.—The National Research Council shall conduct the review over a one-year period beginning upon execution of the contract described in subsection (a).

(g) REPORTS.—

(1) The National Research Council shall submit its findings, conclusions and recommendations to the Secretary of Energy and to the relevant Committees of jurisdiction of the United States Senate and House of Representatives.

(2) The final report shall be submitted in unclassified form with classified annexes as necessary.

(h) PROVISION OF INFORMATION.—The Secretary of Energy shall make available to the National Research Council all of the information necessary to complete its report in a timely manner.

(i) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For purposes of facilitating the commencement of the study under this section, the Secretary of Energy shall expedite to the fullest degree possible the processing of security clearances that are necessary for the National Research Council to conduct the study.

(j) FUNDING.—Of the amount authorized to be appropriated in section 3102(a)(1) for environmental management for defense site acceleration completion, $750,000 shall be available for the study authorized under this section.

(k) Section 3119 of this Act shall have no effect.

SA 3365. Mr. GRAHAM of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. PILOT PROGRAM ON CRYPTOLOGIC SERVICE TRAINING.

(a) PROGRAM REQUIRED.—The Director of the National Security Agency shall carry out a pilot program on cryptologic service training for the intelligence community.

(b) OBJECTIVE OF PROGRAM.—The objective of the pilot program is to increase the number of qualified entry-level language analysts and intelligence analysts available to the National Security Agency and the other elements of the intelligence community through the directed preparation and recruitment of qualified entry-level language analysts and intelligence analysts who commit to a period of service or a career in the intelligence community.

(c) PROGRAM SCOPE.—(1) The pilot program shall be national in scope.

(2) The pilot program shall be carried out at not more than four institutions of higher education selected by the Director for purposes of the pilot program.

(d) PROGRAM PARTICIPANTS.—(1) Subject to the provisions of this subsection, the Director shall select the participants in the pilot program from among individuals qualified to participate in the pilot program utilizing such procedures as the Director considers appropriate for purposes of the pilot program.

(2) Each individual selected to participate in the pilot program shall evidence a commitment to service in the intelligence community after such individual's completion of post-secondary education.

(3) Each individual selected to participate in the pilot program shall be qualified for a security clearance appropriate for the individual under the pilot program.

(4) The total number of participants in the pilot program at any one time may not exceed 400 individuals.

(e) PROGRAM MANAGEMENT.—In carrying out the pilot program, the Director shall—

(1) identify individuals interested in working in the intelligence community, and committed to taking college-level courses that will better prepare them for a career in the intelligence community as a language analysts or intelligence analyst;

(2) provide each individual selected for participation in the pilot program—

(A) financial assistance for the pursuit of courses at institutions of higher education selected by the Director under subsection (c)(2) in fields of study that will qualify such individual for employment by an element of the intelligence community as a language analyst or intelligence analyst; and

(B) educational counseling on the selection of courses to be so pursued; and

(3) provide each individual so selected information on the opportunities available for employment in the intelligence community.

(f) DURATION OF PROGRAM.—(1) The pilot program shall terminate six years after the date of the enactment of this Act.

(2) The termination of the pilot program under paragraph (1) shall not prevent the Director from continuing to provide assistance, counseling, and information under subsection (e) to individuals who are participating in the pilot program on the date of termination of the pilot program throughout the academic year in progress as of that date.

(g) FUNDING.—(1) Of the amount authorized to be appropriated by section ____, $20,000,000 shall be available for activities under the pilot program.

(2) The amount available under paragraph (1) shall remain available until expended.

SA 3366. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 574. HIGH-DEPLOYMENT ALLOWANCE.

(a) PLAN FOR PAYMENT OF ALLOWANCE.—The Secretary of Defense shall include in the budget of the President for each fiscal year, as submitted to Congress pursuant to section 1105 of title 31, United States Code, a plan to pay during such fiscal year a high-deployment allowance under section 436 of title 37, United States Code, to members of the Armed Forces whose deployments exceed the high-deployment threshold specified in subsection (a)(2) of such section in such fiscal year.

(b) PLAN ELEMENTS.—Each plan for a fiscal year under subsection (a) shall include—

(1) the amount of the high-deployment allowance that will be payable under section 436 of title 37, United States Code, during such fiscal year, set forth by duration of deployment and by frequency of deployment;

(2) a list of the duty assignments that will be excluded from the payment of the allowance during such fiscal year under section 436(f) of such title (as amended by subsection (c) of this section);

(3) the number of members of each Armed Force who are anticipated to exceed the high deployment threshold under section 436(a)(2) of such title during such fiscal year, regardless of whether the duty assignments of such members are excluded from the payment of the allowance during such fiscal year as specified under paragraph (2); and

(4) the estimated aggregate amount of allowances to be paid during such fiscal year.

(c) REPEAL OF NATIONAL SECURITY WAIVER ON PAYMENT.—Effective January 1, 2005, section 436 of title 37, United States Code, is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

(d) PERIOD OF DEPLOYMENT.—In paying high-deployment allowances under section 436 of title 37, United States Code, the Secretary of the military department concerned shall take into account days deployed by a member of the Armed Forces on or after January 1, 2003.

SA 3367. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other

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

On page 147, after line 21, add the following:

SEC. ___. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: ''or in a case in which the pregnancy is the result of an act of rape or incest''.

SA 3368. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, after line 25, insert the following:

SEC. 224. LIMITATION ON DEPLOYMENT OF GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF THE NATIONAL BALLISTIC MISSILE DEFENSE SYSTEM.

The ground-based midcourse defense element of the national ballistic missile defense system may not be deployed for initial defensive operations before the Secretary of Defense certifies to Congress that the capabilities of the system to perform its national ballistic missile defense missions have been confirmed by operationally realistic testing of the system.

SA 3369. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3119 and insert the following:

SEC. 3119. TREATMENT OF DISPOSITION WASTE FROM REPROCESSING OF LOW-LEVEL OR TRANSURANIC WASTE.

(a) IN GENERAL.—The Secretary of Energy shall continue all activities relating to the storage, retrieval, treatment, and separation of tank wastes currently managed as high-level radioactive waste in accordance with treatment and closure plans approved by the State in which such activities are taking place as part of a program to clean up and dispose of waste from reprocessing spent nuclear fuel at the sites referred to in subsection (c).

(b) FUNDING.—Of the amount authorized to be appropriated by section 3102(a)(1) for defense site acceleration completion, $350,000,000 shall be available for activities to be undertaken pursuant to subsection (a) and for activities under section 3116.

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

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

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

(3) The Hanford Site, Richland, Washington.

(d) CONSTRUCTION OF OTHER AUTHORITY.—(1) Section 3116 shall have no effect on States other than the State referred to in subsection (d) of that section.

(2) Nothing in section 3116 shall alter or jeopardize the full implementation of the settlement agreement entered into by the United States with the State of Idaho in the actions captioned Public Service Co. of Colorado v. Batt, Civil No. 91–0035–S–EJL, and United States v. Batt, Civil No. 91–0054–S–EJL, in the United States District Court for the District of Idaho and the consent order of the United States District Court for the District of Idaho, dated October 17, 1995, that effectuates the settlement agreement, the Idaho National Engineering Laboratory Federal Facility Agreement and Consent Order, or the Hanford Federal Facility Agreement and Consent Order.

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

SA 3370. Mr. FRIST (for himself, Mr. CRAPO, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 385, between lines 21 and 22, insert the following:

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

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

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

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

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

SA 3371. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 130, between lines 9 and 10, insert the following:

SEC. 642. DEATH BENEFITS ENHANCEMENT.

(a) FINAL ACTIONS ON FISCAL YEAR 2004 DEATH BENEFITS STUDY.—(1) Congress finds that the study of the Federal death benefits for survivors of deceased members of the Armed Forces under section 647 of the National Defense Authorization Act for Fiscal Year 2004 has given Congress sufficient insight to initiate action to provide for the enhancement of the current set of death benefits that are provided under law for the survivors.

(2) The Secretary of Defense shall expedite the completion and submission of the final report, which was due on March 1, 2004, under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(3) It is the sense of Congress that the President should promptly submit to Congress any recommendation for legislation, together with a request for appropriations, that the President determines necessary to implement the death benefits enhancements that are recommended in the final report under section 647 of the National Defense Authorization Act for Fiscal Year 2004.

(b) FISCAL YEAR 2005 ACTIONS.—At the same time that the President submits to Congress the budget for fiscal year 2006 under section 1105(a) of title 31, United States Code, the President, in consultation with the Secretary of Defense, shall submit to Congress a draft of legislation to provide enhanced death benefits for survivors of deceased members of the uniformed services. The draft legislation shall include provisions for the following:

(1) Revision of the Servicemembers' Group Life Insurance program to provide for—

(A) an increase of the maximum benefit provided under Servicemembers' Group Life Insurance to $350,000, together with an increase, each fiscal year, by the same overall average percentage increase that takes effect during such fiscal year in the rates of basic pay under section 204 of title 37, United States Code; and

(B) a minimum benefit of $100,000 at no cost to the insured members of the uniformed services who elect the maximum coverage, together with an increase in such minimum benefit each fiscal year by the same percentage increase as is described in subparagraph (A).

(2) An increase, each fiscal year, of the amount of the death gratuity provided under section 1478 of title 10, United States Code, by the same overall average percentage increase that takes effect during such fiscal year in the rates of basic pay under section 204 of title 37, United States Code.

(3) An additional set of death benefits for each member of the uniformed services who dies in the line of duty while on active duty that includes, at a minimum, an additional death gratuity in the amount that—

(A) in the case of a member not described in subparagraph (B), is equal to the sum of—

(i) the total amount of the basic pay to which the deceased member would have been entitled under section 204 of title 37, United States Code, if the member had not died and had continued to serve on active duty for an additional year; and

(ii) the total amount of all allowances and special pays that the member would have been entitled to receive under title 37, United States Code, over the one-year period beginning on the member's date of death if the member had not died and had continued to serve on active duty for an additional year with the unit to which the member was assigned or detailed on such date; and

(B) in the case of a member who dies as a result of an injury caused by or incurred while exposed to hostile action (including any hostile fire or explosion and any hostile action from a terrorist source), is equal to twice the amount calculated under subparagraph (A).

(4) Any other new death benefits or enhancement of existing death benefits that the President recommends.

(5) Retroactive applicability of the benefits referred to in paragraphs (1) through (4) so as to provide the benefits—

(A) for members of the uniformed services who die in line of duty on or after October 7, 2001, of a cause incurred or aggravated while deployed in support of Operation Enduring Freedom; and

(B) for members of the uniformed services who die in line of duty on or after March 19, 2003, of a cause incurred or aggravated while deployed in support of Operation Iraqi Freedom.

(c) FISCAL YEAR 2006 BUDGET SUBMISSION.—The budget for fiscal year 2006 that is submitted to Congress under section 1105(a) of title 31, United States Code, shall include the following:

(1) The amounts that would be necessary for funding the benefits covered by the draft legislation required to be submitted under subsection (b).

(2) The amounts that would be necessary for funding the organizational and administrative enhancements, including increased personnel, that are necessary to ensure efficient and effective administration and timely payment of the benefits provided for in the draft legislation.

(d) EARLY SUBMISSION OF PROPOSAL FOR ADDITIONAL DEATH BENEFITS.—Congress urges the President to submit the draft of legislation for the additional set of death benefits under paragraph (3) of subsection (b) before the time for submission required under that subsection and as soon as is practicable after the date of the enactment of this Act.

SA 3372. Mr. SESSIONS (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CONTRACTOR ACCOUNTABILITY.

Section 3267(1)(A) of title 18, United States Code, is amended to read as follows:

''(A) employed as—

''(i) a civilian employee of—

''(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;

''(ii) a contractor (including a subcontractor at any tier) of—

''(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas; or

''(iii) an employee of a contractor (or subcontractor at any tier) of—

''(I) the Department of Defense (including a nonappropriated fund instrumentality of the Department); or

''(II) any other Federal agency, or any provisional authority, to the extent such employment relates to supporting the mission of the Department of Defense overseas;''.

SA 3373. Mr. BENNETT (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE XXIX—UTAH TEST AND TRAINING RANGE

SEC. 2901. SHORT TITLE.

This title may be cited as the ''Utah Test and Training Range Protection Act''.

SEC. 2902. DEFINITIONS.

In this title:

(1) The term ''covered wilderness study areas'' means the wilderness study areas located near lands withdrawn for military use and beneath special use airspace critical to the support of military test and training missions at the Utah Test and Training Range, including the Deep Creek, Fish Springs, Swasey Mountain, Howell Peak, Notch Peak, King Top, Wah Wah Mountain, and Conger Mountain units identified by the Department of the Interior pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782).

(2) The term ''Utah Test and Training Range'' means those portions of the military operating area of the Utah Test and Training Area located solely in the State of Utah. The term includes the Dugway Proving Ground.

SEC. 2903. MILITARY OPERATIONS AND OVERFLIGHTS, UTAH TEST AND TRAINING RANGE.

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

(1) The testing and development of military weapons systems and the training of military forces are critical to ensuring the national security of the United States.

(2) The Utah Test and Training Range in the State of Utah is a unique and irreplaceable national asset at the core of the test and training mission of the Department of Defense.

(3) The Utah Test and Training Range and special use airspace withdrawn for military uses create unique management circumstances for the covered wilderness study areas in this title, such use would not impair the suitability of such areas for designation by Congress as wilderness in the future, and it is not the intent of Congress that passage of this title shall be construed as establishing a precedent with respect to any future national conservation area or wilderness designation.

(4) Continued access to the special use airspace and lands that comprise the Utah Test and Training Range, under the terms and conditions described in this section, is a national security priority and is not incompatible with the protection and proper management of the natural, environmental, cultural, and other resources of such lands.

(b) OVERFLIGHTS.—Nothing in this title or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) shall preclude the military from conducting low-level overflights and operations of military aircraft, helicopters, missiles, or unmanned aerial vehicles over the covered wilderness study areas, including military overflights and operations that can be seen or heard within the covered wilderness study areas.

(c) SPECIAL USE AIRSPACE AND TRAINING ROUTES.—Nothing in this title or the Federal Land Policy and Management Act of 1976 shall preclude the designation of new units of special use airspace, the expansion of existing units of special use airspace, or the use or establishment of military training routes over the covered wilderness study areas.

(d) COMMUNICATIONS AND TRACKING SYSTEMS.—Nothing in this title shall prevent any required maintenance of existing communications, instrumentation, or electronic tracking systems (or infrastructure supporting such systems) or prevent the installation of new communication, instrumentation, or other equipment necessary for effective testing and training to meet military requirements in the covered wilderness study areas, so long as the Secretary of the Interior, after consultation with the Secretary of the Air Force, determines that the installation and maintenance of such systems complies with section 603 of the Federal Land Policy and Management Act of 1976.

(e) EMERGENCY ACCESS AND RESPONSE.—Nothing in this title or the Federal Land Policy and Management Act of 1976 shall preclude the continuation of the memorandum of understanding in existence as of the date of the enactment of this Act between the Department of the Interior and the Department of the Air Force with respect to emergency access and response.

(f) PROHIBITION ON GROUND MILITARY OPERATIONS.—Except as provided in subsections (d) and (e), nothing in this section shall be construed to permit a military operation to be conducted on the ground in a covered wilderness study area in the Utah Test and Training Range unless such ground operation is otherwise authorized under Federal law and consistent with the Federal Land Policy and Management Act of 1976.

SEC. 2904. PLANNING PROCESS FOR FEDERAL LANDS IN UTAH TEST AND TRAINING RANGE.

The Secretary of the Interior shall develop, maintain, and revise land use plans pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S. C. 1712) for Federal lands located in the Utah Test and Training Range in consultation with the Secretary of Defense. As part of the required consultation in connection with a proposed revision of a land use plan, the Secretary of Defense shall prepare and transmit to the Secretary of the Interior an analysis of the military readiness and operational impacts of the proposed revision within six months of a request from the Secretary of Interior.

SEC. 2905. RELATION TO OTHER LANDS AND LAWS.

(a) OTHER LANDS.—Nothing in this title shall be construed to affect any Federal lands located outside of the covered wilderness study areas or the management of such lands.

(b) CONFORMING REPEAL.—Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended by striking subsection (d).

SA 3374. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—ALASKA NATURAL GAS PIPELINE

SEC. ____01. SHORT TITLE.

This title may be cited as the ''Alaska Natural Gas Pipeline Act''.

SEC. ____02. DEFINITIONS.

In this title:

(1) ALASKA NATURAL GAS.—The term ''Alaska natural gas'' means natural gas derived from the area of the State of Alaska lying north of 64 degrees north latitude.

(2) ALASKA NATURAL GAS TRANSPORTATION PROJECT.—The term ''Alaska natural gas transportation project'' means any natural gas pipeline system that carries Alaska natural gas to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.); or

(B) section ____03.

(3) ALASKA NATURAL GAS TRANSPORTATION SYSTEM.—The term ''Alaska natural gas transportation system'' means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.) and designated and described in section 2 of the President's decision.

(4) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(5) FEDERAL COORDINATOR.—The term ''Federal Coordinator'' means the head of the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects established by section ____06(a).

(6) PRESIDENT'S DECISION.—The term ''President's decision'' means the decision and report to Congress on the Alaska natural gas transportation system—

(A) issued by the President on September 22, 1977, in accordance with section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719e); and

(B) approved by Public Law 95–158 (15 U.S.C. 719f note; 91 Stat. 1268).

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(8) STATE.—The term ''State'' means the State of Alaska.

SEC. ____03. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) AUTHORITY OF THE COMMISSION.—Notwithstanding the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), the Commission may, in accordance with section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska natural gas transportation system.

(b) ISSUANCE OF CERTIFICATE.—

(1) IN GENERAL.—The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) CONSIDERATIONS.—In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through the project to markets in the contiguous United States.

(c) EXPEDITED APPROVAL PROCESS.—Not later than 60 days after the date of issuance of the final environmental impact statement under section ____104 for an Alaska natural gas transportation project, the Commission shall issue a final order granting or denying any application for a certificate of public convenience and necessity for the project under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section.

(d) PROHIBITION OF CERTAIN PIPELINE ROUTE.—No license, permit, lease, right-of-way, authorization, or other approval required under Federal law for the construction of any pipeline to transport natural gas from land within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that—

(1) traverses land beneath navigable waters (as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301)) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees north latitude.

(e) OPEN SEASON.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Commission shall issue regulations governing the conduct of open seasons for Alaska natural gas transportation projects (including procedures for the allocation of capacity).

(2) REGULATIONS.—The regulations referred to in paragraph (1) shall—

(A) include the criteria for and timing of any open seasons;

(B) promote competition in the exploration, development, and production of Alaska natural gas; and

(C) for any open season for capacity exceeding the initial capacity, provide the opportunity for the transportation of natural gas other than from the Prudhoe Bay and Point Thomson units.

(3) APPLICABILITY.—Except in a case in which an expansion is ordered in accordance with section ____05, initial or expansion capacity on any Alaska natural gas transportation project shall be allocated in accordance with procedures to be established by the Commission in regulations issued under paragraph (1).

(f) PROJECTS IN THE CONTIGUOUS UNITED STATES.—

(1) IN GENERAL.—An application for additional or expanded pipeline facilities that may be required to transport Alaska natural gas from Canada to markets in the contiguous United States may be made in accordance with the Natural Gas Act (15 U.S.C. 717a et seq.).

(2) EXPANSION.—To the extent that a pipeline facility described in paragraph (1) includes the expansion of any facility constructed in accordance with the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719 et seq.), that Act shall continue to apply.

(g) STUDY OF IN-STATE NEEDS.—The holder of the certificate of public convenience and necessity issued, modified, or amended by the Commission for an Alaska natural gas transportation project shall demonstrate that the holder has conducted a study of Alaska in-State needs, including tie-in points along the Alaska natural gas transportation project for in-State access.

(h) ALASKA ROYALTY GAS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Commission, on a request by the State and after a hearing, may provide for reasonable access to the Alaska natural gas transportation project by the State (or State designee) for the transportation of royalty gas of the State for the purpose of meeting local consumption needs within the State.

(2) EXCEPTION.—The rates of shippers of subscribed capacity on an Alaska natural gas transportation project described in paragraph (1), as in effect as of the date on which access under that paragraph is granted, shall not be increased as a result of such access.

(i) REGULATIONS.—The Commission may issue such regulations as are necessary to carry out this section.

SEC. ____04. ENVIRONMENTAL REVIEWS.

(a) COMPLIANCE WITH NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section ____03 shall be treated as a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) DESIGNATION OF LEAD AGENCY.—

(1) IN GENERAL.—The Commission—

(A) shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) shall be responsible for preparing the environmental impact statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section ____103.

(2) CONSOLIDATION OF STATEMENTS.—In carrying out paragraph (1), the Commission shall prepare a single environmental impact statement, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the Alaska natural gas transportation project covered by the environmental impact statement.

(c) OTHER AGENCIES.—

(1) IN GENERAL.—Each Federal agency considering an aspect of the construction and operation of an Alaska natural gas transportation project under section ____03 shall—

(A) cooperate with the Commission; and

(B) comply with deadlines established by the Commission in the preparation of the environmental impact statement under this section.

(2) SATISFACTION OF NEPA REQUIREMENTS.—The environmental impact statement prepared under this section shall be adopted by each Federal agency described in paragraph (1) in satisfaction of the responsibilities of the Federal agency under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to the Alaska natural gas transportation project covered by the environmental impact statement.

(d) EXPEDITED PROCESS.—The Commission shall—

(1) not later than 1 year after the Commission determines that the application under section ____03 with respect to an Alaska natural gas transportation project is complete, issue a draft environmental impact statement under this section; and

(2) not later than 180 days after the date of issuance of the draft environmental impact statement, issue a final environmental impact statement, unless the Commission for good cause determines that additional time is needed.

SEC. ____05. PIPELINE EXPANSION.

(a) AUTHORITY.—With respect to any Alaska natural gas transportation project, on a request by 1 or more persons and after giving notice and an opportunity for a hearing, the Commission may order the expansion of the Alaska natural gas project if the Commission determines that such an expansion is required by the present and future public convenience and necessity.

(b) RESPONSIBILITIES OF COMMISSION.—Before ordering an expansion under subsection (a), the Commission shall—

(1) approve or establish rates for the expansion service that are designed to ensure the recovery, on an incremental or rolled-in

basis, of the cost associated with the expansion (including a reasonable rate of return on investment);

(2) ensure that the rates do not require existing shippers on the Alaska natural gas transportation project to subsidize expansion shippers;

(3) find that a proposed shipper will comply with, and the proposed expansion and the expansion of service will be undertaken and implemented based on, terms and conditions consistent with the tariff of the Alaska natural gas transportation project in effect as of the date of the expansion;

(4) find that the proposed facilities will not adversely affect the financial or economic viability of the Alaska natural gas transportation project;

(5) find that the proposed facilities will not adversely affect the overall operations of the Alaska natural gas transportation project;

(6) find that the proposed facilities will not diminish the contract rights of existing shippers to previously subscribed certificated capacity;

(7) ensure that all necessary environmental reviews have been completed; and

(8) find that adequate downstream facilities exist or are expected to exist to deliver incremental Alaska natural gas to market.

(c) REQUIREMENT FOR A FIRM TRANSPORTATION AGREEMENT.—Any order of the Commission issued in accordance with this section shall be void unless the person requesting the order executes a firm transportation agreement with the Alaska natural gas transportation project within such reasonable period of time as the order may specify.

(d) LIMITATION.—Nothing in this section expands or otherwise affects any authority of the Commission with respect to any natural gas pipeline located outside the State.

(e) REGULATIONS.—The Commission may issue such regulations as are necessary to carry out this section.

SEC. ___06. FEDERAL COORDINATOR.

(a) ESTABLISHMENT.—There is established, as an independent office in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) FEDERAL COORDINATOR.—

(1) APPOINTMENT.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall be appointed by the President, by and with the advice and consent of the Senate, to serve a term to last until 1 year following the completion of the project referred to in section ___03.

(2) COMPENSATION.—The Federal Coordinator shall be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) DUTIES.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by Federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this title.

(d) REVIEWS AND ACTIONS OF OTHER FEDERAL AGENCIES.—

(1) EXPEDITED REVIEWS AND ACTIONS.—All reviews conducted and actions taken by any Federal agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines under this title.

(2) PROHIBITION OF CERTAIN TERMS AND CONDITIONS.—No Federal agency may include in any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project any term or condition that may be permitted, but is not required, by any applicable law if the Federal Coordinator determines that the term or condition would prevent or impair in any significant respect the expeditious construction and operation, or an expansion, of the Alaska natural gas transportation project.

(3) PROHIBITION OF CERTAIN ACTIONS.—Unless required by law, no Federal agency shall add to, amend, or abrogate any certificate, right-of-way, permit, lease, or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that the action would prevent or impair in any significant respect the expeditious construction and operation, or an expansion, of the Alaska natural gas transportation project.

(4) LIMITATION.—The Federal Coordinator shall not have authority to—

(A) override—

(i) the implementation or enforcement of regulations issued by the Commission under section ____03; or

(ii) an order by the Commission to expand the project under section ____105; or

(B) impose any terms, conditions, or requirements in addition to those imposed by the Commission or any agency with respect to construction and operation, or an expansion of, the project.

(e) STATE COORDINATION.—

(1) IN GENERAL.—The Federal Coordinator and the State shall enter into a joint surveillance and monitoring agreement similar to the agreement in effect during construction of the Trans-Alaska Pipeline, to be approved by the President and the Governor of the State, for the purpose of monitoring the construction of the Alaska natural gas transportation project.

(2) PRIMARY RESPONSIBILITY.—With respect to an Alaska natural gas transportation project—

(A) the Federal Government shall have primary surveillance and monitoring responsibility in areas where the Alaska natural gas transportation project crosses Federal land or private land; and

(B) the State government shall have primary surveillance and monitoring responsibility in areas where the Alaska natural gas transportation project crosses State land.

(f) TRANSFER OF FEDERAL INSPECTOR FUNCTIONS AND AUTHORITY.—On appointment of the Federal Coordinator by the President, all of the functions and authority of the Office of Federal Inspector of Construction for the Alaska Natural Gas Transportation System vested in the Secretary under section 3012(b) of the Energy Policy Act of 1992 (15 U.S.C. 719e note; Public Law 102–486), including all functions and authority described and enumerated in the Reorganization Plan No. 1 of 1979 (44 Fed. Reg. 33663), Executive Order No. 12142 of June 21, 1979 (44 Fed. Reg. 36927), and section 5 of the President's decision, shall be transferred to the Federal Coordinator.

(g) TEMPORARY AUTHORITY.—The functions, authorities, duties, and responsibilities of the Federal Coordinator shall be vested in the Secretary until the earlier of the appointment of the Federal Coordinator by the President, or 18 months after the date of enactment of this Act.

SEC. ___07. JUDICIAL REVIEW.

(a) EXCLUSIVE JURISDICTION.—Except for review by the Supreme Court on writ of certiorari, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any Federal agency or officer under this title;

(2) the constitutionality of any provision of this title, or any decision made or action taken under this title; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any action under this title.

(b) DEADLINE FOR FILING CLAIM.—A claim arising under this title may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) EXPEDITED CONSIDERATION.—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) for expedited consideration, taking into account the national interest of enhancing national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(d) AMENDMENT OF THE ALASKA NATURAL GAS TRANSPORTATION ACT OF 1976.—Section 10(c) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719h) is amended—

(1) by striking ''(c)(1) A claim'' and inserting the following:

''(c) JURISDICTION.—

''(1) SPECIAL COURTS.—

''(A) IN GENERAL.—A claim'';

(2) by striking ''Such court shall have'' and inserting the following:

''(B) EXCLUSIVE JURISDICTION.—The Special Court shall have'';

(3) by inserting after paragraph (1) the following:

''(2) EXPEDITED CONSIDERATION.—The Special Court shall set any action brought under this section for expedited consideration, taking into account the national interest described in section 2.''; and

(4) in paragraph (3), by striking ''(3) The enactment'' and inserting the following:

''(3) ENVIRONMENTAL IMPACT STATEMENTS.—The enactment''.

SEC. ___08. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.

(a) LOCAL DISTRIBUTION.—Any facility receiving natural gas from an Alaska natural gas transportation project for delivery to consumers within the State—

(1) shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)); and

(2) shall not be subject to the jurisdiction of the Commission.

(b) ADDITIONAL PIPELINES.—Except as provided in section ____103(d), nothing in this title shall preclude or otherwise affect a future natural gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Susitna Valley, or the Kenai peninsula or Valdez or any other site in the State for consumption within or distribution outside the State.

(c) RATE COORDINATION.—

(1) IN GENERAL.—In accordance with the Natural Gas Act (15 U.S.C. 717a et seq.), the Commission shall establish rates for the transportation of natural gas on any Alaska natural gas transportation project.

(2) CONSULTATION.—In carrying out paragraph (1), the Commission, in accordance with section 17(b) of the Natural Gas Act (15 U.S.C. 717p(b)), shall consult with the State regarding rates (including rate settlements) applicable to natural gas transported on and delivered from the Alaska natural gas transportation project for use within the State.

SEC. ___09. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) REQUIREMENT OF STUDY.—If no application for the issuance of a certificate or amended certificate of public convenience and necessity authorizing the construction

and operation of an Alaska natural gas transportation project has been filed with the Commission by the date that is 18 months after the date of enactment of this Act, the Secretary shall conduct a study of alternative approaches to the construction and operation of such an Alaska natural gas transportation project.

(b) SCOPE OF STUDY.—The study under subsection (a) shall take into consideration the feasibility of—

(1) establishing a Federal Government corporation to construct an Alaska natural gas transportation project; and

(2) securing alternative means of providing Federal financing and ownership (including alternative combinations of Government and private corporate ownership) of the Alaska natural gas transportation project.

(c) CONSULTATION.—In conducting the study under subsection (a), the Secretary shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Chief of Engineers).

(d) REPORT.—On completion of any study under subsection (a), the Secretary shall submit to Congress a report that describes—

(1) the results of the study; and

(2) any recommendations of the Secretary (including proposals for legislation to implement the recommendations).

SEC. ___10. CLARIFICATION OF ANGTA STATUS AND AUTHORITIES.

(a) SAVINGS CLAUSE.—Nothing in this title affects—

(1) any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g); or

(2) any Presidential finding or waiver issued in accordance with that Act.

(b) CLARIFICATION OF AUTHORITY TO AMEND TERMS AND CONDITIONS TO MEET CURRENT PROJECT REQUIREMENTS.—Any Federal agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or rescind any term or condition included in the certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), if the addition, amendment, or rescission—

(1) would not compel any change in the basic nature and general route of the Alaska natural gas transportation system as designated and described in section 2 of the President's decision; or

(2) would not otherwise prevent or impair in any significant respect the expeditious construction and initial operation of the Alaska natural gas transportation system.

(c) UPDATED ENVIRONMENTAL REVIEWS.—The Secretary shall require the sponsor of the Alaska natural gas transportation system to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's decision.

SEC. ___11. ALASKA PIPELINE CONSTRUCTION TRAINING PROGRAM.

(a) PROGRAM.—

(1) ESTABLISHMENT.—The Secretary of Labor (in this section referred to as the ''Secretary'') shall make grants to the Alaska Workforce Investment Board—

(A) to recruit and train adult and dislocated workers in Alaska, including Alaska Natives, in the skills required to construct and operate an Alaska gas pipeline system; and

(B) for the design and construction of a training facility to be located in Fairbanks, Alaska, to support an Alaska gas pipeline training program.

(2) COORDINATION WITH EXISTING PROGRAMS.—The training program established with the grants authorized under paragraph (1) shall be consistent with the vision and goals set forth in the State of Alaska Unified Plan, as developed pursuant to the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(b) REQUIREMENTS FOR GRANTS.—The Secretary shall make a grant under subsection (a) only if—

(1) the Governor of the State of Alaska requests the grant funds and certifies in writing to the Secretary that there is a reasonable expectation that the construction of the Alaska natural gas pipeline system will commence by the date that is 2 years after the date of the certification; and

(2) the Secretary of Energy concurs in writing to the Secretary with the certification made under paragraph (1) after considering—

(A) the status of necessary Federal and State permits;

(B) the availability of financing for the Alaska natural gas pipeline project; and

(C) other relevant factors.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $20,000,000. Not more than 15 percent of the funds may be used for the facility described in subsection (a)(1)(B).

SEC. ___12. SENSE OF CONGRESS CONCERNING USE OF STEEL MANUFACTURED IN NORTH AMERICA NEGOTIATION OF A PROJECT LABOR AGREEMENT.

It is the sense of Congress that—

(1) an Alaska natural gas transportation project would provide significant economic benefits to the United States and Canada; and

(2) to maximize those benefits, the sponsors of the Alaska natural gas transportation project should make every effort to—

(A) use steel that is manufactured in North America; and

(B) negotiate a project labor agreement to expedite construction of the pipeline.

SEC. ___13. SENSE OF CONGRESS AND STUDY CONCERNING PARTICIPATION BY SMALL BUSINESS CONCERNS.

(a) DEFINITION OF SMALL BUSINESS CONCERN.—In this section, the term ''small business concern'' has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

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

(1) an Alaska natural gas transportation project would provide significant economic benefits to the United States and Canada; and

(2) to maximize those benefits, the sponsors of the Alaska natural gas transportation project should maximize the participation of small business concerns in contracts and subcontracts awarded in carrying out the project.

(c) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the extent to which small business concerns participate in the construction of oil and gas pipelines in the United States.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report that describes results of the study under paragraph (1).

(3) UPDATES.—The Comptroller General shall—

(A) update the study at least once every 5 years until construction of an Alaska natural gas transportation project is completed; and

(B) on completion of each update, submit to Congress a report containing the results of the update.

SEC. ___14. SENSE OF CONGRESS CONCERNING NATURAL GAS DEMAND.

It is the sense of Congress that—

(1) North American demand for natural gas will increase dramatically over the course of the next several decades;

(2) both the Alaska Natural Gas Pipeline and the Mackenzie Delta Natural Gas project in Canada will be necessary to help meet the increased demand for natural gas in North America;

(3) Federal and State officials should work together with officials in Canada to ensure both projects can move forward in a mutually beneficial fashion;

(4) Federal and State officials should acknowledge that the smaller scope, fewer permitting requirements, and lower cost of the Mackenzie Delta project means it will most likely be completed before the Alaska Natural Gas Pipeline;

(5) natural gas production in the 48 contiguous States and Canada will not be able to meet all domestic demand in the coming decades; and

(6) as a result, natural gas delivered from Alaskan North Slope will not displace or reduce the commercial viability of Canadian natural gas produced from the Mackenzie Delta or production from the 48 contiguous States.

SEC. ___15. SENSE OF CONGRESS CONCERNING ALASKAN OWNERSHIP.

It is the sense of Congress that—

(1) Alaska Native Regional Corporations, companies owned and operated by Alaskans, and individual Alaskans should have the opportunity to own shares of the Alaska natural gas pipeline in a way that promotes economic development for the State; and

(2) to facilitate economic development in the State, all project sponsors should negotiate in good faith with any willing Alaskan person that desires to be involved in the project.

SEC. ___16. LOAN GUARANTEES.

(a) AUTHORITY.—(1) The Secretary may enter into agreements with 1 or more holders of a certificate of public convenience and necessity issued under section ___03(b) of this title or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g), or with an entity the Secretary determines is qualified to construct and operate a liquefied natural gas project to transport liquefied natural gas from Southcentral Alaska to West Coast States, to issue Federal guarantee instruments with respect to loans and other debt obligations for a qualified infrastructure project.

(2) Subject to the requirements of this section, the Secretary may also enter into agreements with 1 or more owners of the Canadian portion of a qualified infrastructure project to issue Federal guarantee instruments with respect to loans and other debt obligations for a qualified infrastructure project as though such owner were a holder described in paragraph (1).

(3) The authority of the Secretary to issue Federal guarantee instruments under this section for a qualified infrastructure project shall expire on the date that is 2 years after the date on which the final certificate of public convenience and necessity (including any Canadian certificates of public convenience and necessity) is issued for the project. A final certificate shall be considered to have been issued when all certificates of public convenience and necessity have been issued that are required for the initial transportation of commercially economic quantities of natural gas from Alaska to the continental United States.

(b) CONDITIONS.—(1) The Secretary may issue a Federal guarantee instrument for a qualified infrastructure project only after a certificate of public convenience and necessity under section ___03(b) of this title or an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) has been issued for the project, or after the Secretary certifies there exists a qualified entity to construct and operate a liquefied natural gas project to transport liquefied natural gas from Southcentral Alaska to West Coast States. In no case shall loan guarantees be issued for more than one qualified project.

(2) The Secretary may issue a Federal guarantee instrument under this section for a qualified infrastructure project only if the loan or other debt obligation guaranteed by the instrument has been issued by an eligible lender.

(3) The Secretary shall not require as a condition of issuing a Federal guarantee instrument under this section any contractual commitment or other form of credit support of the sponsors (other than equity contribution commitments and completion guarantees), or any throughput or other guarantee from prospective shippers greater than such guarantees as shall be required by the project owners.

(c) LIMITATIONS ON AMOUNTS.—(1) The amount of loans and other debt obligations guaranteed under this section for a qualified infrastructure project shall not exceed 80 percent of the total capital costs of the project, including interest during construction.

(2) The principal amount of loans and other debt obligations guaranteed under this section shall not exceed, in the aggregate, $18,000,000,000, which amount shall be indexed for United States dollar inflation from the date of enactment of this Act, as measured by the Consumer Price Index, except that the total amount of principal that may be guaranteed for a qualified liquefied natural gas project may not exceed a principal amount in which the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)), exceeds $2,000,000,000.

(d) LOAN TERMS AND FEES.—(1) The Secretary may issue Federal guarantee instruments under this section that take into account repayment profiles and grace periods justified by project cash flows and project-specific considerations. The term of any loan guaranteed under this section shall not exceed 30 years.

(2) An eligible lender may assess and collect from the borrower such other fees and costs associated with the application and origination of the loan or other debt obligation as are reasonable and customary for a project finance transaction in the oil and gas sector.

(e) REGULATIONS.—The Secretary may issue regulations to carry out this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to cover the cost of loan guarantees under this section, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)). Such sums shall remain available until expended.

(g) DEFINITIONS.—In this section, the following definitions apply:

(1) The term ''Consumer Price Index'' means the Consumer Price Index for all-urban consumers, United States city average, as published by the Bureau of Labor Statistics, or if such index shall cease to be published, any successor index or reasonable substitute thereof.

(2) The term ''eligible lender'' means any non-Federal qualified institutional buyer (as defined by section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933), including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986 (26 U.S.C. 4974(c)) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986 (26 U.S.C. 414(d)) that is a qualified institutional buyer.

(3) The term ''Federal guarantee instrument'' means any guarantee or other pledge by the Secretary to pledge the full faith and credit of the United States to pay all of the principal and interest on any loan or other debt obligation entered into by a holder of a certificate of public convenience and necessity.

(4) The term ''qualified infrastructure project'' means an Alaskan natural gas transportation project or system consisting of the design, engineering, finance, construction, and completion of pipelines and related transportation and production systems (including gas treatment plants and liquification plants and liquefied natural gas tankers for transportation of liquefied natural gas from Southcentral Alaska to the West Coast), and appurtenances thereto, that are used to transport natural gas from the Alaska North Slope to the continental United States.

SA 3375. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION 1. PAYMENT OF FEDERAL EMPLOYEE HEALTH BENEFIT PREMIUMS.

(a) AUTHORITY TO CONTINUE BENEFIT COVERAGE.—Section 8905a of title 5, United States Code is amended—

(1) in subsection (a), by striking ''paragraph (1) or (2) of'';

(2) in subsection (b)—

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

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

(C) by adding at the end the following:

''(3) any employee who—

''(A) is enrolled in a health benefits plan under this chapter;

''(B) is a member of a Reserve component of the armed forces;

''(C) is called or ordered to active duty in support of a contingency operation (as defined in section 101(a)(13) of title 10);

''(D) is placed on leave without pay or separated from service to perform active duty; and

''(E) serves on active duty for a period of more than 30 consecutive days.''; and

(3) in subsection (e)(1)—

(A) in subparagraph (A), by striking ''or'' at the end;

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

(C) by adding at the end the following:

''(C) in the case of an employee described in subsection (b)(3), the date which is 24 months after the employee is placed on leave without pay or separated from service to perform active duty.''.

(b) AUTHORITY FOR AGENCIES TO PAY PREMIUMS.—Subparagraph (C) of section 8906(e)(3) of such title is amended by striking ''18 months'' and inserting ''24 months''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on March 1, 2003.

SA 3376. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 256, between lines 10 and 11, insert the following:

SEC. 1035. SENSE OF CONGRESS ON SPACE LAUNCH RANGES.

It is the sense of Congress that the Secretary of Defense should provide support for, and continue the development, certification, and deployment of portable range safety systems that are capable of—

(1) reducing costs related to national security space launches and launch infrastructure; and

(2) enhancing technical capabilities and operational safety at the Eastern, Western, and other United States space launch ranges.

SA 3377. Mr. KENNEDY (for himself, Mr. LEAHY, Mr. DAYTON, and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 13 and 14, insert the following:

SEC. 1022. REPORT ON THE STABILIZATION OF IRAQ.

(a) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees an unclassified report (with classified annex, if necessary) on the strategy of the United States for stabilizing Iraq. The report shall, at a minimum, contain a detailed explanation of the strategy together with the following information:

(1) A description of the efforts of the President to work with the United Nations and the North Atlantic Treaty Organization to assist the nearly 140,000 members of the Armed Forces of the United States who were serving in Iraq as of June 2004, including efforts to ensure that—

(A) more military forces of other countries are deployed to Iraq;

(B) more police forces of other countries are deployed to Iraq; and

(C) more financial resources of other countries are provided for the stabilization and reconstruction of Iraq.

(2) As a result of such efforts—

(A) a list of the countries that have committed to deploying military and police forces;

(B) with respect to each such country, the schedule and level of such deployments;

(C) a list of the countries that have committed to providing financial resources for

the stabilization and reconstruction of Iraq; and

(D) with respect to each country that has committed to providing such financial resources, the level of, and the schedule for providing, such assistance.

(3) A description of the efforts of the President to develop the police and military forces of Iraq to assist the nearly 140,000 members of the Armed Forces of the United States who were serving in Iraq as of June 2004.

(4) As a result of such efforts—

(A) the number of members of the police and military forces of Iraq that have been recruited;

(B) the number of members of the police and military forces of Iraq that have been trained; and

(C) the number of members of the police and military forces of Iraq that have been deployed.

(5) A description of the anticipated United States military force posture in the region during the next year, including an estimate of—

(A) the number of members of the Armed Forces that will be required to serve in Iraq during the next year;

(B) the number of members of the Armed Forces that will be serving in Iraq as of December 31, 2005; and

(C) the percentage of such forces that will be composed of members of the National Guard and Reserves.

(6) A description of the efforts of the United States, Coalition forces, and the people of Iraq to assist in the reconstruction of essential infrastructure, including the oil industry, electricity generation capabilities, roads, schools, and hospitals, in Iraq.

(7) A description of the efforts of the United States, Coalition forces, relevant international agencies, pro-democracy organizations, and the people of Iraq to assist in the development of political institutions and prepare for democratic elections in Iraq.

(b) UPDATED REPORTS.—The President shall submit to the congressional defense committees an unclassified report (with classified annex, if necessary) that describes the strategy of the United States for stabilizing Iraq and updates the information required under subsection (a)—

(1) not later than 180 days after the date of the enactment of this Act; and

(2) not later than one year after the date of the enactment of this Act.

SA 3378. Mr. BIDEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, between lines 14 and 15, insert the following:

TITLE XIII—FOREIGN ASSISTANCE AND ARMS EXPORT MATTERS

SEC. 1301. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS DEFENSE ARTICLES IN THE WAR RESERVE STOCKPILES FOR ALLIES TO ISRAEL.

(a) TRANSFERS FOR CONCESSIONS.—

(1) AUTHORITY.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President may transfer to Israel, in exchange for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary of State, any or all of the items described in paragraph (2).

(2) COVERED ITEMS.—The items referred to in paragraph (1) are armor, artillery, automatic weapons ammunition, missiles, and other munitions that—

(A) are obsolete or surplus items;

(B) are in the inventory of the Department of Defense;

(C) are intended for use as reserve stocks for Israel; and

(D) as of the date of enactment of this Act, are located in a stockpile in Israel.

(b) VALUE OF CONCESSIONS.—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) ADVANCE NOTIFICATION OF TRANSFERS.—Not later than 30 days before making a transfer under the authority of this section, the President shall transmit a notification of the proposed transfer to the Committees on Foreign Relations and Armed Services of the Senate and the Committees on International Relations and Armed Services of the House of Representatives. The notification shall identify the items to be transferred and the concessions to be received.

(d) EXPIRATION OF AUTHORITY.—No transfer may be made under the authority of this section more than 5 years after the date of the enactment of this Act.

SEC. 1302. ADDITIONS TO WAR RESERVE STOCKPILES FOR ALLIES FOR FISCAL YEARS 2004 AND 2005.

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended—

(1) in subparagraph (A), by striking ''for fiscal year 2003'' and inserting ''for each of fiscal years 2004 and 2005''; and

(2) in subparagraph (B), by striking ''for fiscal year 2003'' and inserting ''for a fiscal year''.

SEC. 1303. THRESHOLDS FOR ADVANCE NOTICE TO CONGRESS OF SALES OR UPGRADES OF DEFENSE ARTICLES, DESIGN AND CONSTRUCTION SERVICES, AND MAJOR DEFENSE EQUIPMENT.

(a) LETTERS OF OFFER TO SELL.—Subsection (b) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''Subject to paragraph (6), in'' and inserting ''In'';

(B) by striking ''Act for $50,000,000'' and inserting ''Act for $100,000,000'';

(C) by striking ''services for $200,000,000'' and inserting ''services for $350,000,000'';

(D) by striking ''$14,000,000'' and inserting ''$50,000,000''; and

(E) by inserting ''and in other cases if the President determines it is appropriate,'' before ''before such letter'';

(2) in the first sentence of paragraph (5)(C)—

(A) by striking ''Subject to paragraph (6), if'' and inserting ''If'';

(B) by striking ''costs $14,000,000'' and inserting ''costs $50,000,000'';

(C) by striking ''equipment, $50,000,000'' and inserting ''equipment, $100,000,000'';

(D) by striking ''or $200,000,000'' and inserting ''or $350,000,000''; and

(E) by inserting ''and in other cases if the President determines it is appropriate,'' before ''then the President''; and

(3) by striking paragraph (6).

(b) EXPORT LICENSES.—Subsection (c) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''Subject to paragraph (5), in'' and inserting ''In'';

(B) by striking ''$14,000,000'' and inserting ''$50,000,000'';

(C) by striking ''services sold under a contract in the amount of $50,000,000'' and inserting ''services sold under a contract in the amount of $100,000,000''; and

(D) by inserting ''and in other cases if the President determines it is appropriate,'' before ''before issuing such'';

(2) in the last sentence of paragraph (2), by striking ''(A) and (B)'' and inserting ''(A), (B), and (C)''; and

(3) by striking paragraph (5).

(c) PRESIDENTIAL CONSENT.—Section 3(d) of the Arms Export Control Act (22 U.S.C. 2753(d)) is amended—

(1) in paragraphs (1) and (3)(A)—

(A) by striking ''Subject to paragraph (5), the'' and inserting ''The'';

(B) by striking ''$14,000,000'' and inserting ''$50,000,000''; and

(C) by striking ''service valued (in terms of its original acquisition cost) at $50,000,000'' and inserting ''service valued (in terms of its original acquisition cost) at $100,000,000''; and

(2) by striking paragraph (5).

SEC. 1304. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS.

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

(1) Close defense cooperation between the United States and each of the United Kingdom and Australia requires interoperability among the armed forces of those countries.

(2) The need for interoperability must be balanced with the need for appropriate and effective regulation of trade in defense items.

(3) The Arms Export Control Act (22 U.S.C. 2751 et seq.) authorizes the executive branch to administer arms export policies enacted by Congress in the exercise of its constitutional power to regulate commerce with foreign nations.

(4) The executive branch has exercised its authority under the Arms Export Control Act, in part, through the International Traffic in Arms Regulations.

(5) Agreements to gain exemption from the International Traffic in Arms Regulations must be submitted to Congress for review.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DEFENSE ITEMS.—The term ''defense items'' has the meaning given the term in section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(3) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term ''International Traffic in Arms Regulations'' means the regulations maintained under parts 120 through 130 of title 22, Code of Federal Regulations, and any successor regulations.

(c) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—

(1) IN GENERAL.—Subsection (j) of section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—

''(A) AUSTRALIA.—Subject to the provisions of section 1304 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraph (2)(A) shall not apply to a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use of defense items within

Australia that will remain subject to the licensing requirements of this Act after such agreement enters into force.

''(B) UNITED KINGDOM.—Subject to the provisions of section 1304 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i), and (2)(A)(ii) shall not apply to a bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act.''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended in the matter preceding subparagraph (A) by striking ''A bilateral agreement'' and inserting ''Except as provided in paragraph (4), a bilateral agreement''.

(d) CERTIFICATIONS.—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall certify to the appropriate congressional committees that such agreement—

(1) is in the national interest of the United States and will not in any way affect the goals and policy of the United States under section 1 of the Arms Export Control Act (22 U.S.C. 2751);

(2) does not adversely affect the efficacy of the International Traffic in Arms Regulations to provide consistent and adequate controls for licensed exports of United States defense items; and

(3) will not adversely affect the duties or requirements of the Secretary of State under the Arms Export Control Act.

(e) NOTIFICATION OF BILATERAL LICENSING EXEMPTIONS.—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall submit to the appropriate congressional committees the text of the regulations that authorize such a licensing exemption.

(f) REPORT ON CONSULTATION ISSUES.—Not later than one year after the date of the enactment of this Act and annually thereafter for each of the following 5 years, the President shall submit to the appropriate congressional committees a report on issues raised during the previous year in consultations conducted under the terms of any bilateral agreement entered into with Australia under section 38(j) of the Arms Export Control Act, or under the terms of any bilateral agreement entered into with the United Kingdom under such section, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain—

(1) information on any notifications or consultations between the United States and the United Kingdom under the terms of any agreement with the United Kingdom, or between the United States and Australia under the terms of any agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) a list of all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of any agreement with the United Kingdom or any agreement with Australia;

(3) information on consultations or steps taken pursuant to any agreement with the United Kingdom or any agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) information on provisions and procedures undertaken pursuant to—

(A) any agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) any agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) information on any new understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to any agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) information on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of any such agreements;

(7) information on United States origin defense items with respect to which the United States has provided an exception under the Memorandum of Understanding between the United States and the United Kingdom and any agreement between the United States and Australia from the requirement for United States Government re-export consent that was not provided for under United States laws and regulations in effect on the date of the enactment of this Act; and

(8) information on any significant concerns that have arisen between the Government of Australia or the Government of the United Kingdom and the United States Government concerning any aspect of any bilateral agreement between such country and the United States to gain exemption from the licensing requirements of the Arms Export Control Act.

(g) SPECIAL NOTIFICATIONS.—

(1) REQUIRED NOTIFICATIONS.—The Secretary of State shall notify the appropriate congressional committees not later than 90 days after receiving any credible information regarding an unauthorized end-use or diversion of United States exports of goods or services made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. The notification shall be made in a manner that is consistent with any ongoing efforts to investigate and commence civil actions or criminal investigations or prosecutions regarding such matters and may be made in classified or unclassified form.

(2) CONTENT.—The notification regarding an unauthorized end-use or diversion of goods or services under paragraph (1) shall include—

(A) a description of the goods or services;

(B) the United States origin of the good or service;

(C) the authorized recipient of the good or service;

(D) a detailed description of the unauthorized end-use or diversion, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(E) any enforcement action taken by the Government of the United States; and

(F) any enforcement action taken by the government of the recipient nation.

SEC. 1305. AUTHORITY TO PROVIDE CATALOGING DATA AND SERVICES TO NON-NATO COUNTRIES.

Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking ''to the North Atlantic Treaty Organization or to any member government of that Organization if that Organization or member government'' and inserting ''to the North Atlantic Treaty Organization, to any member government of that Organization, or to the government of any other country if that Organization, member government, or other government''.

SEC. 1306. FREEDOM SUPPORT ACT PERMANENT WAIVER AUTHORITY.

(a) AUTHORITY TO WAIVE RESTRICTIONS AND ELIGIBILITY REQUIREMENTS.—If the President submits the certification and report described in subsection (b) with respect to an independent state of the former Soviet Union for a fiscal year, funds may be obligated and expended during that fiscal year under sections 503 and 504 of the FREEDOM Support Act (22 U.S.C. 5853 and 5854) for assistance or other programs and activities for that state even if that state has not met one or more of the requirements for eligibility under paragraphs (1) through (4) of section 502 of such Act (22 U.S.C. 5852).

(b) CERTIFICATION AND REPORT.—

(1) IN GENERAL.—The certification and report referred to in subsection (a) are a written certification submitted by the President to Congress that the waiver of the restriction under such section 502 and the requirements in that section during the fiscal year covered by such certification is important to the national security interests of the United States, together with a report containing the following:

(A) A description of the activity or activities that prevent the President from certifying that the state is committed to the matters set forth in the provisions of law specified in subsection (a) in such fiscal year.

(B) An explanation of why the waiver is important to the national security interests of the United States.

(C) A description of the strategy, plan, or policy of the President for promoting the commitment of the state to, and compliance by the state with, such matters, notwithstanding the waiver.

(2) FORM OF REPORT.—A report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1307. MARKETING INFORMATION FOR COMMERCIAL COMMUNICATIONS SATELLITES.

(a) IN GENERAL.—A license shall not be required under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the transfer of marketing information for the purpose of providing information directly related to the sale of commercial communications satellites and related parts to a member country of the North Atlantic Treaty Organization (NATO) and Australia, Japan, and New Zealand.

(b) MARKETING INFORMATION.—In this section, the term ''marketing information'' means data that a seller must provide to a potential customer (including a foreign end-user) that will enable the customer to make a purchase decision to award a contract for goods or services, including system description, functional information, price and schedule information, information required for installation, operation, maintenance, and

repair, and includes that level of data necessary to ensure safe use of the product, but does not include sensitive encryption and source code data, detailed design data, engineering analysis, or manufacturing know-how.

(c) EXCEPTION.—Nothing in this section shall exempt commercial communications satellites from any licensing requirement under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for defense items and defense services, except as described in subsection (a).

SEC. 1308. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY TO TRANSFER BY GRANT.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) CHILE.—To the Government of Chile, the SPRUANCE class destroyer O'BANNON (DD 987).

(2) PORTUGAL.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigate GEORGE PHILIP (FFG 12).

(b) AUTHORITY TO TRANSFER BY SALE.—The Secretary of the Navy is authorized to transfer on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the ANCHORAGE class dock landing ship ANCHORAGE (LSD 36).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 in the case of a transfer authorized to be made on a grant basis under subsection (a)).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.— The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

SEC. 1309. ADDITIONAL INFORMATION IN CERTIFICATIONS BY THE PRESIDENT WITH RESPECT TO APPLICATIONS FOR LICENSES FOR THE EXPORT OF DEFENSE ARTICLES OR DEFENSE SERVICES SOLD UNDER A CONTRACT.

Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended by striking ''and (C) a description of the items to be exported'' and inserting ''(C) a description of the items to be exported, and (D) the date on which the contract was signed and the identities of the parties to the contract''.

SA 3379. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. (a) PROVISION OF FUNDS FOR SECURITY AND STABILIZATION OF IRAQ THROUGH PARTIAL SUSPENSION OF REDUCTION IN HIGHEST INCOME TAX RATE FOR INDIVIDUAL TAXPAYERS.—The table contained in paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 (relating to (relating to reductions in rates after June 30, 2001) is amended to read as follows:

"In the case of taxable years beginning during calendar year:	**The corresponding percentages shall be substituted for the following percentages:**			
	28%	**31%**	**36%**	**39.6%**
2001	27.5%	30.5%	35.5%	39.1%
2002	27.0%	30.0%	35.0%	38.6%
2003 and 2004	25.0%	28.0%	33.0%	35.0%
2005 and thereafter	25.0%	28.0%	33.0%	36.0%''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

(c) APPLICATION OF EGTRRA SUNSET TO THIS SECTION.—The amendment made by this section shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as the provision of such Act to which such amendment relates.

SA 3380. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, line 12, strike ''106,800'' and insert ''106,842''.

On page 62, line 24, strike ''12,253'' and insert ''12,271''.

On page 65, line 7, strike ''$104,535,458,000'' and insert ''$104,538,108,000''.

On page 36, line 7, strike ''$4,366,738,000'' and insert ''4,367,985,000''.

SA 3381. Mr. BIDEN (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, line 12, strike ''106,800'' and insert ''106,842''.

On page 62, line 24, strike ''12,253'' and insert ''12,271''.

SA 3382. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 372, after line 17, insert the following:

SEC. 2844. LIMITATIONS ON CONVEYANCE OF NAVY PROPERTY AT DISCOVERY PARK, SEATTLE, WASHINGTON.

(a) PROHIBITION ON CONVEYANCE THROUGH HOUSING PRIVATIZATION INITIATIVE.—The Secretary of the Navy may not convey the Navy property at Discovery Park pursuant to the authority in section 2878 of title 10, United States Code, or any other authority under the alternative authority for the acquisition and improvement of military housing under subchapter IV of chapter 169 of such title.

(b) CONVEYANCE FOR PUBLIC PARKS PURPOSES.—(1) If the Secretary determines that the Navy property at Discovery Park is excess property of the Department of the Navy, the Navy property at Discovery Park may be disposed of only through the authority provided under paragraph (2) for the conveyance of such property.

(2) The Secretary may convey, without consideration, to the State of Washington or the City of Seattle, Washington, all right, title, and interest of the United States in and to the Navy property at Discovery Park, for the purpose of establishing, expanding, or improving a public park or recreation area.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (b) shall be determined by a survey or surveys satisfactory to the Secretary.

(d) RESPONSIBILITY FOR ENVIRONMENTAL CLEANUP.—The Secretary shall retain liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and any other applicable environmental statute or regulation, for any environmental hazard on the property conveyed under subsection (b) as of the date of the conveyance under that subsection.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(f) DEFINITIONS.—In this section:

(1) The term ''Navy property at Discovery Park'' means the following parcels of real property, together with any improvements thereon, located within the boundary of Discovery Park, Seattle, Washington:

(A) The parcel consisting of approximately 23.91 acres known as the Capehart Housing Complex.

(B) The parcel consisting of approximately 3.47 acres located at Montana Circle.

(C) The parcel consisting of approximately 3.76 acres located at Washington Avenue North.

(D) The parcel consisting of approximately 1.93 acres located at Washington Avenue South.

(2) The term ''excess property'' has the meaning given such term in section 102 of title 40, United States Code.

SA 3383. Mr. BOND (for himself, Mr. HARKIN, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXXI, insert the following:

SEC. 3146. INCLUSION OF CERTAIN FORMER NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

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

(1) Energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility and the Weldon Springs facility) were exposed to levels of radionuclides and radioactive materials that were much greater than the current maximum allowable Federal standards.

(2) The Mallinkrodt workers at the St. Louis site were exposed to excessive levels of airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure.

(3)(A) The chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures.

(B) Workers were excreting in excess of a milligram of uranium per day causing kidney damage.

(C) A recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts.

(4) The Department of Energy has admitted that those Mallinkrodt workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials.

(5) The Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive.

(6) The National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of processing extremely high levels of radionuclides; and

(B) the Institute has virtually no personal monitoring data for Mallinkrodt workers prior to 1948.

(7) The National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 Mallinkrodt sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed.

(8) Energy workers at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) between 1947 and 1975 were exposed to levels of radionuclides and radioactive material, including enriched uranium, plutonium, tritium, and depleted uranium, in addition to beryllium and photon radiation, that are greater than the current maximum Federal standards for exposure.

(9) According to the National Institute of Occupational Safety and Health—

(A) between 1947 and 1975, no records, including bioassays or air samples, have been located that indicate any monitoring occurred of internal doses of radiation to which workers described in paragraph (8) were exposed;

(B) between 1947 and 1955, no records, including dosimetry badges, have been located to indicate that any monitoring occurred of the external doses of radiation to which such workers were exposed;

(C) between 1955 and 1962, records indicate that only 8 to 23 workers in a workforce of over 1,000 were monitored for external radiation doses; and

(D) between 1970 and 1975, the high point of screening at the Iowa Army Ammunition Plant, only 25 percent of the workforce was screened for exposure to external radiation.

(10) The Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and as of May 13, 2004, the rule has yet to be finalized.

(11) Many of those former workers have died while waiting for the proposed rule to be finalized, including some claimants who were waiting for dose reconstruction to be completed.

(12) Because of the aforementioned reasons, including the serious lack of records and the death of many potential claimants, it is not feasible to conduct valid dose reconstructions for the Iowa Army Ammunition Plant facility or the Mallinkrodt facilities.

(b) INCLUSION OF CERTAIN FORMER WORKERS IN COHORT.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384*l*(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Subject to the provisions of section 3612A, the employee was so employed for a number of work days aggregating at least 45 workdays at a facility operated under contract to the Department of Energy by Mallinkrodt Incorporated or its successors (including the St. Louis downtown or 'Destrahan' facility during any of calendar years 1942 through 1958 and the Weldon Springs feed materials plant facility during any of calendar years 1958 through 1966), or at a facility operated by the Department of Energy or under contract by Mason & Hangar-Silas Mason Company at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) during any of the calendar years 1947 through 1975, and during the employment—

''(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of an employee's body to radiation; or

''(II) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to internal radiation; or

''(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility.''.

(c) FUNDING OF COMPENSATION AND BENEFITS.—(1) Such Act is further amended by inserting after section 3612 the following new section:

''SEC. 3612A. FUNDING FOR COMPENSATION AND BENEFITS FOR CERTAIN MEMBERS OF THE SPECIAL EXPOSURE COHORT.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Labor for each fiscal year after fiscal year 2004 such sums as may be necessary for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) in such fiscal year.

''(b) PROHIBITION ON USE FOR ADMINISTRATIVE COSTS.—(1) No amount authorized to be appropriated by subsection (a) may be utilized for purposes of carrying out the compensation program for the members of the Special Exposure Cohort referred to in that subsection or administering the amount authorized to be appropriated by subsection (a).

''(2) Amounts for purposes described in paragraph (1) shall be derived from amounts authorized to be appropriated by section 3614(a).

''(c) PROVISION OF COMPENSATION AND BENEFITS SUBJECT TO APPROPRIATIONS ACTS.—The provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort referred to in subsection (a) in any fiscal year shall be subject to the availability of appropriations for that purpose for such fiscal year and to applicable provisions of appropriations Acts.''.

(2) Section 3612(d) of such Act (42 U.S.C. 7384e(d)) is amended—

(A) by inserting ''(1)'' before ''Subject''; and

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

''(2) Amounts for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) shall be derived from amounts authorized to be appropriated by section 3612A(a).''.

SA 3384. Mr. BOND (for himself, Mr. HARKIN, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXXI, insert the following:

SEC. 3146. INCLUSION OF CERTAIN FORMER NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

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

(1) Energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility and the Weldon Springs facility) were exposed to levels of radionuclides and radioactive materials that were much greater than the current maximum allowable Federal standards.

(2) The Mallinkrodt workers at the St. Louis site were exposed to excessive levels of airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure.

(3)(A) The chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures.

(B) Workers were excreting in excess of a milligram of uranium per day causing kidney damage.

(C) A recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts.

(4) The Department of Energy has admitted that those Mallinkrodt workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials.

(5) The Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive.

(6) The National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of processing extremely high levels of radionuclides; and

(B) the Institute has virtually no personal monitoring data for Mallinkrodt workers prior to 1948.

(7) The National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 Mallinkrodt sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed.

(8) Energy workers at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) between 1947 and 1975 were exposed to levels of radionuclides and radioactive material, including enriched uranium, plutonium, tritium, and depleted uranium, in addition to beryllium and photon radiation, that are greater than the current maximum Federal standards for exposure.

(9) According to the National Institute of Occupational Safety and Health—

(A) between 1947 and 1975, no records, including bioassays or air samples, have been located that indicate any monitoring occurred of internal doses of radiation to which workers described in paragraph (8) were exposed;

(B) between 1947 and 1955, no records, including dosimetry badges, have been located to indicate that any monitoring occurred of the external doses of radiation to which such workers were exposed;

(C) between 1955 and 1962, records indicate that only 8 to 23 workers in a workforce of over 1,000 were monitored for external radiation doses; and

(D) between 1970 and 1975, the high point of screening at the Iowa Army Ammunition Plant, only 25 percent of the workforce was screened for exposure to external radiation.

(10) The Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and as of May 13, 2004, the rule has yet to be finalized.

(11) Many of those former workers have died while waiting for the proposed rule to be finalized, including some claimants who were waiting for dose reconstruction to be completed.

(12) Because of the aforementioned reasons, including the serious lack of records and the death of many potential claimants, it is not feasible to conduct valid dose reconstructions for the Iowa Army Ammunition Plant facility or the Mallinkrodt facilities.

(b) INCLUSION OF CERTAIN FORMER WORKERS IN COHORT.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384*l*(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) Subject to the provisions of section 3612A, the employee was so employed for a number of work days aggregating at least 45 workdays at a facility operated under contract to the Department of Energy by Mallinkrodt Incorporated or its successors (including the St. Louis downtown or 'Destrahan' facility during any of calendar years 1942 through 1958 and the Weldon Springs feed materials plant facility during any of calendar years 1958 through 1966), or at a facility operated by the Department of Energy or under contract by Mason & Hangar-Silas Mason Company at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) during any of the calendar years 1947 through 1975, and during the employment—

''(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of an employee's body to radiation; or

''(II) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to internal radiation; or

''(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility.''.

(c) FUNDING OF COMPENSATION AND BENEFITS.—(1) Such Act is further amended by inserting after section 3612 the following new section:

''SEC. 3612A. FUNDING FOR COMPENSATION AND BENEFITS FOR CERTAIN MEMBERS OF THE SPECIAL EXPOSURE COHORT.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Labor for each fiscal year after fiscal year 2004 such sums as may be necessary for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) in such fiscal year.

''(b) PROHIBITION ON USE FOR ADMINISTRATIVE COSTS.—(1) No amount authorized to be appropriated by subsection (a) may be utilized for purposes of carrying out the compensation program for the members of the Special Exposure Cohort referred to in that subsection or administering the amount authorized to be appropriated by subsection (a).

''(2) Amounts for purposes described in paragraph (1) shall be derived from amounts authorized to be appropriated by section 3614(a).

''(c) PROVISION OF COMPENSATION AND BENEFITS SUBJECT TO APPROPRIATIONS ACTS.—The provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort referred to in subsection (a) in any fiscal year shall be subject to the availability of appropriations for that purpose for such fiscal year and to applicable provisions of appropriations Acts.''.

(2) Section 3612(d) of such Act (42 U.S.C. 7384e(d)) is amended—

(A) by inserting ''(1)'' before ''Subject''; and

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

''(2) Amounts for the provision of compensation and benefits under the compensation program for members of the Special Exposure Cohort described in section 3621(14)(C) shall be derived from amounts authorized to be appropriated by section 3612A(a).''.

On page 373, line 18, strike ''$6,674,898,000'' and insert ''6,494,898,000''.

SA 3385. Mr. INHOFE (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 163, between lines 19 and 20, insert the following:

''(c) INAPPLICABILITY TO CONTRACTS FOR CERTAIN SERVICES.—This section does not apply to procurements of the following services:

''(1) Printing, binding, or blank-book work to which section 502 of title 44 applies.

''(2) Services available under the FEDLINK program pursuant to section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 114 Stat. 2187; 2 U.S.C. 182c).

SA 3386. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1055. HUMANE TREATMENT OF DETAINEES.

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

(1) After World War II, the United States and its allies created a new international legal order based on respect for human rights. One of its fundamental tenets was a universal prohibition on torture and ill treatment.

(2) On June 26, 2003, the International Day in Support of Victims of Torture, President George W. Bush stated, ''The United States is committed to the world-wide elimination of torture and we are leading this fight by example. I call on all governments to join with the United States and the community of law-abiding nations in prohibiting, investigating, and prosecuting all acts of torture and in undertaking to prevent other cruel and unusual punishment.''.

(3) The United States is a party to the Geneva Conventions, which prohibit torture, cruel treatment, or outrages upon personal dignity, in particular, humiliating and degrading treatment, during armed conflict.

(4) The United States is a party to 2 treaties that prohibit torture and cruel, inhuman, or degrading treatment or punishment, as follows:

(A) The International Covenant on Civil and Political Rights, done at New York December 16, 1966.

(B) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(5) The United States filed reservations to the treaties described in subparagraphs (A) and (B) of paragraph (4) stating that the United States considers itself bound to prevent ''cruel, inhuman or degrading treatment or punishment'' to the extent that phrase means the cruel, unusual, and inhumane treatment or punishment prohibited by the 5th amendment, 8th amendment, or 14th amendment to the Constitution.

(6) Army Regulation 190-8 entitled ''Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees'' provides that ''Inhumane treatment is a serious and punishable violation under international law and the Uniform Code of Military Justice (UCMJ).... All prisoners will receive humane treatment without regard to race, nationality, religion, political opinion, sex, or other criteria. The following acts are prohibited: murder, torture, corporal punishment, mutilation, the taking of hostages, sensory deprivation, collective punishments, execution without trial by proper authority, and all cruel and degrading treatment.... All persons will be respected as human beings. They will be protected against all acts of violence to include rape, forced prostitution, assault and theft, insults, public curiosity, bodily injury, and reprisals of any kind.... This list is not exclusive.''.

(7) The Field Manual on Intelligence Interrogation of the Department of the Army states that ''acts of violence or intimidation, including physical or mental torture, threats, insults, or exposure to inhumane treatment as a means of or an aid to interrogation'' are ''illegal''. Such Manual defines ''infliction of pain through... bondage (other than legitimate use of restraints to prevent escape)'', ''forcing an individual to stand, sit, or kneel in abnormal positions for prolonged periods of time'', ''food deprivation'', and ''any form of beating'' as ''physical torture'', defines ''abnormal sleep deprivation'' as ''mental torture'', and prohibits the use of such tactics under any circumstances.

(8) The Field Manual on Intelligence Interrogation of the Department of the Army states that ''Use of torture and other illegal methods is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the interrogator wants to hear. Revelation of use of torture by U.S. personnel will bring discredit upon the U.S. and its armed forces while undermining domestic and international support for the war effort. It may also place U.S. and allied personnel in enemy hands at a greater risk of abuse by their captors.''.

(b) PROHIBITION ON TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT.—(1) No person in the custody or under the physical control of the United States shall be subject to torture or cruel, inhuman, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(c) RULES, REGULATIONS, AND GUIDELINES.—(1) Not later than 180 days after the date of enactment of this Act, the Secretary shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the prohibition in subsection (b)(1) by the members of the United States Armed Forces and by any person providing services to the Department of Defense on a contract basis.

(2) The Secretary shall submit to the congressional defense committees the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(d) REPORT TO CONGRESS.—(1) The Secretary shall submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding any investigation of a possible violation of the prohibition in subsection (b)(1) by a member of the Armed Forces or by a person providing services to the Department of Defense on a contract basis.

(2) A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual involved in, or responsible for, a violation of the prohibition in subsection (b)(1).

(e) DEFINITIONS.—In this section:

(1) The term ''cruel, inhuman, or degrading treatment or punishment'' means the cruel, unusual, and inhumane treatment or punishment prohibited by the 5th amendment, 8th amendment, or 14th amendment to the Constitution.

(2) The term ''Geneva Conventions'' means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(3) The term ''Secretary'' means the Secretary of Defense.

(4) The term ''torture'' has the meaning given that term in section 2340 of title 18, United States Code.

SA 3387. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

TREATMENT OF FOREIGN PRISONERS

SEC. . POLICY.—(a)(1) It is the policy of the United States to treat all foreign persons captured, detained, interned or otherwise held in custody of the United States (hereinafter ''prisoners'') humanely and in accordance with standards that the United States would consider legal if perpetrated by the enemy against an American prisoner.

(2) It is the policy of the United States that all officials of the United States are bound both in wartime and in peacetime by the legal prohibition against torture, cruel, inhuman or degrading treatment.

(3) If there is any doubt as to whether prisoners are entitled to the protections afforded by the Geneva Conventions, such prisoners shall enjoy the protections of the Geneva Conventions until such time as their status can be determined pursuant to the procedures authorized by Army Regulation 190–8, Section 1–6.

(4) It is the policy of the United States to expeditiously prosecute cases of terrorism or other criminal acts alleged to have been committed by prisoners in the custody of the United States Armed Forces at Guantanamo Bay, Cuba, in order to avoid the indefinite detention of prisoners, which is contrary to the legal principles and security interests of the United States.

(b) REPORTING.—The Department of Defense shall submit to the appropriate congressional committees:

(1) A quarterly report providing the number of prisoners who were denied Prisoner of War (POW) status under the Geneva Conventions and the basis for denying POW status to each such prisoner.

(2) A report setting forth: (A) the proposed schedule for military commissions to be held at Guantanamo Bay, Cuba; and (B) the number of individuals currently held at Guantanamo Bay, Cuba, the number of such individuals who are unlikely to face a military commission in the next six months, and the reason(s) for not bringing such individuals before a military commission.

(3) All International Committee of the Red Cross reports, completed prior to the enactment of this Act, concerning the treatment of prisoners in United States custody at Guantanamo Bay, Cuba, Iraq, and Afghanistan. Such ICRC reports should be provided, in classified form, not later than 15 days after enactment of this Act.

(4) A report setting forth all prisoner interrogation techniques approved by officials of the United States.

(c) ANNUAL TRAINING REQUIREMENT.—The Department of Defense shall certify that all federal employees and civilian contractors engaged in the handling and/or interrogating of prisoners have fulfilled an annual training requirement on the laws of war, the Geneva Conventions and the obligations of the United States under international humanitarian law.

SA 3388. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

(a) INSPECTOR GENERAL REPORTS.—The Inspector General of the Department of Defense, in consultation with the Inspector General of the Department of State and the Inspector General of the Central Intelligence Agency, shall conduct an inquiry into the programs and activities of the Iraqi National Congress (INC) and submit a report, which may include a classified annex, to the appropriate Congressional Committees no later than 60 days after enactment of this Act and every 180 days thereafter until September 30, 2005.

(b) CONTENTS OF REPORTS.— The reports shall include the following information:

(1) The total amount of funding the INC received from the Department of State and the Department of Defense;

(2) A description of the uses of these funds, including an assessment of whether they were used for purposes inconsistent with Section 540 of Division D of Public Law 108–199 and similar provisions of law;

(3) The total amount of funds the Department of State Inspector General or any other appropriate entity of the United States Government has determined the INC owes the United States and a description of the measures the United States Government has taken to collect these funds;

(4) A description of the activities and responsibilities pertaining to each INC office that was or currently is supported by United States Government funds;

(5) A description of INC activities concerning broadcasting and an assessment of the efficacy of these activities in building support for the efforts of the United States inside Iraq;

(6) A description of the INC's Information Collection Program (ICP) and an assessment of the value of the information collected by the ICP prior to May 1, 2003, including any efforts to pass along intelligence to the United States Government that has subsequently been determined to be inaccurate or deceptive;

(7) A comprehensive list of senior United States Government officials in the Department of State, Department of Defense, National Security Council, Office of the Vice President, and White House who met with representatives of the INC or were recipients of information derived from the ICP;

(8) A comprehensive list of senior United States Government officials in the Department of State Department of Defense, National Security Council, Office of the Vice President, and White House who were involved with policy decisions concerning the INC;

(9) A description of efforts the United States Government is taking to bring to justice any individuals associated with the INC who violated United States laws concerning the use of intelligence information or the use of United States Government funds;

(10) An assessment concerning whether the efforts mentioned in subsection (b)(9) are adequate; and

(11) Any other issues the Inspector General of the Department of Defense, the Inspector General of the Department of State, or the Inspector General of the Central Intelligence Agency believes are relevant to a comprehensive inquiry of the activities of the INC.

(c) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on International Relations of the House of Representatives.

SA 3293. Mr. HARKIN (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XXXI, insert the following:

SEC. 3146. INCLUSION OF CERTAIN FORMER NUCLEAR WEAPONS PROGRAM WORKERS IN SPECIAL EXPOSURE COHORT UNDER THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

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

(1) Energy workers at the former Mallinkrodt facilities (including the St. Louis downtown facility and the Weldon Springs facility) were exposed to levels of radionuclides and radioactive materials that were much greater than the current maximum allowable Federal standards.

(2) The Mallinkrodt workers at the St. Louis site were exposed to excessive levels of airborne uranium dust relative to the standards in effect during the time, and many workers were exposed to 200 times the preferred levels of exposure.

(3)(A) The chief safety officer for the Atomic Energy Commission during the Mallinkrodt-St. Louis operations described the facility as 1 of the 2 worst plants with respect to worker exposures.

(B) Workers were excreting in excess of a milligram of uranium per day causing kidney damage.

(C) A recent epidemiological study found excess levels of nephritis and kidney cancer from inhalation of uranium dusts.

(4) The Department of Energy has admitted that those Mallinkrodt workers were subjected to risks and had their health endangered as a result of working with these highly radioactive materials.

(5) The Department of Energy reported that workers at the Weldon Springs feed materials plant handled plutonium and recycled uranium, which are highly radioactive.

(6) The National Institute of Occupational Safety and Health admits that—

(A) the operations at the St. Louis downtown site consisted of intense periods of processing extremely high levels of radionuclides; and

(B) the Institute has virtually no personal monitoring data for Mallinkrodt workers prior to 1948.

(7) The National Institute of Occupational Safety and Health has informed claimants and their survivors at those 3 Mallinkrodt sites that if they are not interviewed as a part of the dose reconstruction process, it—

(A) would hinder the ability of the Institute to conduct dose reconstruction for the claimant; and

(B) may result in a dose reconstruction that incompletely or inaccurately estimates the radiation dose to which the energy employee named in the claim had been exposed.

(8) Energy workers at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) between 1947 and 1975 were exposed to levels of radionuclides and radioactive material, including enriched uranium, plutonium, tritium, and depleted uranium, in addition to beryllium and photon radiation, that are greater than the current maximum Federal standards for exposure.

(9) According to the National Institute of Occupational Safety and Health—

(A) between 1947 and 1975, no records, including bioassays or air samples, have been located that indicate any monitoring occurred of internal doses of radiation to which workers described in paragraph (8) were exposed;

(B) between 1947 and 1955, no records, including dosimetry badges, have been located to indicate that any monitoring occurred of the external doses of radiation to which such workers were exposed;

(C) between 1955 and 1962, records indicate that only 8 to 23 workers in a workforce of over 1,000 were monitored for external radiation doses; and

(D) between 1970 and 1975, the high point of screening at the Iowa Army Ammunition Plant, only 25 percent of the workforce was screened for exposure to external radiation.

(10) The Department of Health and Human Services published the first notice of proposed rulemaking concerning the Special Exposure Cohort on June 25, 2002, and as of May 13, 2004, the rule has yet to be finalized.

(11) Many of those former workers have died while waiting for the proposed rule to be finalized, including some claimants who were waiting for dose reconstruction to be completed.

(12) Because of the aforementioned reasons, including the serious lack of records and the death of many potential claimants, it is not feasible to conduct valid dose reconstructions for the Iowa Army Ammunition Plant facility or the Mallinkrodt facilities.

(b) INCLUSION OF CERTAIN FORMER WORKERS IN COHORT.—Section 3621(14) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384*l*(14)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) The employee was so employed for a number of work days aggregating at least 45 workdays at a facility operated under contract to the Department of Energy by Mallinkrodt Incorporated or its successors (including the St. Louis downtown or 'Destrahan' facility during any of calendar years 1942 through 1958 and the Weldon Springs feed materials plant facility during any of calendar years 1958 through 1966), or at a facility operated by the Department of Energy or under contract by Mason & Hangar-Silas Mason Company at the Iowa Army Ammunition Plant (also known as the Burlington Atomic Energy Commission Plant and the Iowa Ordnance Plant) during any of the calendar years 1947 through 1975, and during the employment—

''(i)(I) was monitored through the use of dosimetry badges for exposure at the plant of

the external parts of an employee's body to radiation; or

''(II) was monitored through the use of bioassays, in vivo monitoring, or breath samples for exposure at the plant to internal radiation; or

''(ii) worked in a job that had exposures comparable to a job that is monitored, or should have been monitored, under standards of the Department of Energy in effect on the date of enactment of this subparagraph through the use of dosimetry badges for monitoring external radiation exposures, or bioassays, in vivo monitoring, or breath samples for internal radiation exposures, at a facility.''.

SA 3390. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1055. SENSE OF CONGRESS ON ACTIVITIES AT GROUP OF 8 SUMMIT REGARDING GLOBAL PARTNERSHIP AGAINST THE SPREAD OF WEAPONS OF MASS DESTRUCTION.

It is the sense of Congress that, at the June 2004 Group of 8 summit, the President should, with respect to the Global Partnership Against the Spread of Weapons of Mass Destruction—

(1) affirm the commitment of $10,000,000,000 by the United States and $10,000,000,000 by the other original members of the Group of 7 to the Partnership as a matter of high national security;

(2) expand the membership of donor nations to the Partnership;

(3) insure that Russia remains the primary partner of the Partnership while also seeking to fund through the Partnership efforts in other countries with potentially vulnerable weapons or materials;

(4) develop for the Partnership clear program goals;

(5) develop for the Partnership transparent project prioritization and planning;

(6) develop for the Partnership project implementation milestones under periodic review; and

(7) develop under the Partnership agreements between partners for project implementation; and

(8) give high priority and senior-level attention to resolving disagreements on site access and worker liability under the Partnership.

SA 3391. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1022. REPORTS ON MATTERS RELATING TO DETAINMENT OF PRISONERS BY THE DEPARTMENT OF DEFENSE.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every six months thereafter, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the population of detainees held by the Department of Defense and on the facilities in which such detainees are held.

(b) REPORT ELEMENTS.—Each report under subsection (a) shall include the following:

(1) General information on the foreign national detainees in the custody of the Department during the six-month period ending on the date of such report, including the following:

(A) The total number of detainees in the custody of the Department at any time during such period.

(B) The countries in which such detainees were detained, and the number of detainees detained in each such country.

(C) The total number of detainees in the custody of the Department as of the date of such report.

(D) The total number of detainees released from the custody of the Department during such period.

(E) The nationalities of the detainees covered by subparagraph (A), including the number of detainees of each such nationality.

(F) The number of detainees covered by subparagraph (A) that were transferred to the jurisdiction of another country during such period.

(G) For each country to which detainees were transferred as described in subparagraph (F)—

(i) the policies and practices of such country on the torture and treatment of prisoners; and

(ii) the status of such transferred detainees.

(2) For each foreign national detained by the Department of Defense during the six-month period ending on the date of such report the following:

(A) The name.

(B) The nationality.

(C) The place at which taken into custody.

(D) The circumstances of being taken into custody.

(E) The place of detention.

(F) The current length of detention or, if released, the duration of detention at the time of release.

(G) A categorization as a military detainee or civilian detainee.

(H) The intentions of the United States Government on such detainee, including whether or not the United States will—

(i) continue to hold such detainee with justification;

(ii) repatriate such detainee; or

(iii) charge such detainee with a crime.

(I) The history, if any, of transfers of such detainee among detention facilities, including whether or not such detainee been detained at other facilities and, if so, at which facilities and in what locations.

(3) Information on the detention facilities and practices of the Department for the six-month period ending on the date of such report, including for each facility of the Department at which detainees were detained by the Department during such period the following:

(A) The name of such facility.

(B) The location of such facility.

(C) The number of detainees detained at such facility over the course of such period and as of the end of such period.

(D) The capacity of such facility.

(E) The number of military personnel assigned to such facility over the course of such period and as of the end of such period.

(F) The number of other employees of the United States Government assigned to such facility over the course of such period and as of the end of such period.

(G) The number of contractor personnel assigned to such facility over the course of such period and as of the end of such period.

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

(1) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 3392. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 147, after line 21, add the following:

SEC. ____. VACCINE HEALTHCARE CENTERS NETWORK.

Section 1110 of title 10, United States Code, is amended by adding at the end the following:

''(c) VACCINE HEALTHCARE CENTERS NETWORK.—(1) The Secretary shall carry out this section through the Vaccine Healthcare Centers Network as established by the Secretary in collaboration with the Director of the Centers for Disease Control and Prevention.

''(2) In addition to conducting the activities described in subsection (b), it shall be the purpose of the Vaccine Healthcare Centers Network to improve—

''(A) the safety and quality of vaccine delivery and protection of members of the armed forces;

''(B) the submission of data to the Vaccine-related Adverse Events Reporting System to include comprehensive content and follow-up data;

''(C) the quality, access, and delivery of clinical management services to members of the armed services who experience vaccine adverse events;

''(D) the satisfaction of members of the armed services with vaccine-related healthcare services;

''(E) the knowledge and understanding by members of the armed services and vaccine-providers of immunization benefits and risks;

''(F) networking between the Department of Defense, the Department of Health and Human Services, the Department of Veterans Affairs, and private advocacy and coalition groups with regard to immunization benefits and risks; and

''(G) clinical research on the safety and efficacy of vaccines.

''(3) To achieve the purposes described in paragraph (2), the Vaccine Healthcare Centers Network shall carry out the following:

''(A)(i) Establish a network of centers of excellence in clinical immunization safety assessment that provides for outreach, education, and confidential consultative and direct patient care services for vaccine related adverse events prevention, diagnosis, treatment and follow-up with respect to members of the armed services.

''(ii) Such centers shall provide expert second opinions for such members regarding medical exemptions under this section and for additional care that is not available at the local medical facilities of such members.

''(B) Develop standardized educational outreach activities to support the initial and ongoing (on at least an annual basis) provision of training and education for providers and nursing personnel who are engaged in providing immunization services to the members of the armed services.

''(C) Develop a program for quality improvement in the submission and understanding of data that is provided to the Vaccine-related Adverse Events Reporting System, particularly among providers and members of the armed services. Such program shall ensure that data is collected concerning adverse events associated with vaccines, including smallpox, anthrax, and multiple vaccine exposures.

''(D) Develop and standardize, in collaboration with the medical departments of the military services, a quality improvement program for the Department of Defense relating to immunization services. Such program shall include the design and implementation of data collection tools and processes that validate and enhance the program.

''(E) Develop and support, in collaboration with the Centers for Disease Control and Prevention and the Clinical Immunization Safety Assessment network, a multi-center platform for clinical research on rare but serious vaccine adverse events, both in relation to establishing new case definitions as needed, and in relation to the diagnosis, treatment, prevention, and quality-of-life impact of temporally associated adverse events.

''(F) Develop an effective network system, with appropriate internal and external collaborative efforts, to facilitate integration, educational outreach, research, and clinical management of adverse vaccine events.

''(G) Provide education and advocacy for the fair treatment of vaccine recipients to include fair access to vaccine safety programs, medical exemptions, and quality treatment.

''(H) Develop and conduct, in collaboration with the Centers for Disease Control and Prevention and the National Institute for Allergy and Infectious Diseases, clinical studies with respect to the safety and efficacy of vaccines, including outcomes studies on the implementation of recommendations contained in the clinical guidelines for vaccine-related adverse events existing on the date of enactment of this subsection.

''(I) Develop, in collaboration with the Centers for Disease Control and Prevention and the National Institute for Allergy and Infectious Diseases, implementation recommendations for vaccine exemptions under this section or alternative vaccine strategies for members of the armed services who have had prior, or who are susceptible to, adverse events, including those with genetic risk factors, and the discovery of treatments for adverse events that are most effective.

''(4) There is authorized to be appropriate to carry out this subsection, $10,000,000 for fiscal year 2005, and such sums as may be necessary for each fiscal year thereafter.''.

SA 3393. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2826 and insert the following:

SEC. 2826. TRANSFER OF JURISDICTION, NEBRASKA AVENUE NAVAL COMPLEX, DISTRICT OF COLUMBIA.

(a) TRANSFER REQUIRED.—The Secretary of the Navy shall transfer to the jurisdiction, custody, and control of the Administrator of General Services the parcel of Department of the Navy real property in the District of Columbia known as the Nebraska Avenue Complex for the purpose of permitting the Administrator to use the Complex to accommodate the Department of Homeland Security. The Complex shall be transferred in its existing condition.

(b) AUTHORITY TO RETAIN MILITARY FAMILY HOUSING.—The Secretary of the Navy may retain jurisdiction, custody, and control over the portion of the Complex that the Secretary considers to be necessary for continued use as Navy family housing.

(c) TIME FOR TRANSFER.—The transfer of jurisdiction, custody, and control over the Complex to the Administrator under subsection (a) shall be completed not later than January 1, 2005.

(d) RELOCATION OF NAVY ACTIVITIES.—As part of the transfer of the Complex under this section, the Secretary of the Navy shall relocate Department of the Navy activities at the Complex to other locations.

(e) PAYMENT OF RELOCATION COSTS.—Subject to the availability of appropriations for this purpose—

(1) the Secretary of Homeland Security shall be responsible for the payment of all reasonable costs related to the initial relocation of Department of the Navy activities from the Complex, including costs to move furnishings and equipment, and all reasonable costs incidental to initial occupancy of interim leased space (including rent for the first year); and

(2) the Administrator of General Services shall pay any reasonable costs for interim leasing of space beyond the first year until Department of the Navy activities have occupied new permanent Department of Defense-controlled space, and any additional reasonable costs not paid under subsection (e)(1) that are incurred, or will be incurred, by the Secretary of the Navy to permanently relocate Department of the Navy activities from the Complex under subsection (d).

(f) SUBMISSION OF COST ESTIMATES.—As soon as practicable after the date of the enactment of this Act, but not later than January 1, 2005, the Secretary of the Navy shall submit to the congressional defense committees an initial estimate of the amounts that will be necessary to cover the costs to permanently relocate Department of the Navy activities from the Complex. The Secretary shall include in the estimate anticipated land acquisition and facility construction costs. The Secretary shall revise the estimate as necessary whenever information regarding the actual costs for the relocation is obtained.

(g) CERTIFICATION OF RELOCATION COSTS.—At the end of the five-year period beginning on the date of the transfer of the Complex under subsection (a), the Secretary of the Navy shall submit to Congress written notice—

(1) specifying the total amount expended under subsection (e) to cover the costs of relocating Department of the Navy activities from the Complex;

(2) specifying the total amount expended to acquire permanent facilities for Department of the Navy activities relocated from the Complex; and

(3) certifying whether the amounts paid are sufficient to complete all relocation actions.

(h) PARTICIPATION OF OFFICE OF MANAGEMENT AND BUDGET.—The Secretary of the Navy shall obtain the assistance and concurrence of the Director of the Office of Management and Budget in determining the total amount required to cover both the initial and the permanent costs of relocating Department of the Navy activities from the Complex under this section.

SA 3394. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1055. PROHIBITION ON USE OF EC–130 SPECIAL OPERATIONS AIRCRAFT AND OTHER AIRCRAFT FOR TRANSMISSION OF RADIO MARTI OR TV MARTI BROADCASTS TO CUBA.

(a) PROHIBITION.—No EC–130 special operations aircraft or other military aircraft under the control of the Department of Defense may be utilized for purposes of transmitting Radio Marti or TV Marti broadcasts to Cuba.

(b) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated for the Department of Defense by this Act or any other Act may be obligated or expended for purposes of utilizing EC–130 special operations aircraft or other military aircraft under the control of the Department to transmit Radio Marti or TV Marti broadcasts to Cuba.

SA 3395. Ms. COLLINS (for herself, Mr. BAYH, Mr. ROBERTS, Mr. REED, Mr. DORGAN, and Mr. BIDEN) submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 868. ENERGY SAVINGS PERFORMANCE CONTRACTS.

The Secretary of Defense shall, to the extent practicable, exercise existing statutory authority, including the authority provided by section 2865 of title 10, United States Code, and section 8256 of title 42, United States Code, to introduce life-cycle cost-effective upgrades to Federal assets through shared energy savings contracting, demand management programs, and utility incentive programs.

SA 3296. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction,

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

At the end, add the following:

DIVISION D—IMMIGRATION

SEC. 4001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''Agricultural Job Opportunity, Benefits, and Security Act of 2004''.

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 4001. Short title; table of contents.
Sec. 4002. Definitions.

TITLE XLI—ADJUSTMENT TO LAWFUL STATUS

Sec. 4101. Agricultural workers.
Sec. 4102. Correction of Social Security records.

TITLE XLII—REFORM OF H–2A WORKER PROGRAM

Sec. 4201. Amendment to the Immigration and Nationality Act.

TITLE XLIII—MISCELLANEOUS PROVISIONS

Sec. 4301. Determination and use of user fees.
Sec. 4302. Regulations.
Sec. 4303. Effective date.

SEC. 4002. DEFINITIONS.

In this division:

(1) AGRICULTURAL EMPLOYMENT.—The term ''agricultural employment'' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) EMPLOYER.—The term ''employer'' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(3) JOB OPPORTUNITY.—The term ''job opportunity'' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(5) TEMPORARY.—A worker is employed on a ''temporary'' basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term ''United States worker'' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) WORK DAY.—The term ''work day'' means any day in which the individual is employed 1 or more hours in agriculture consistent with the definition of ''man-day'' under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

TITLE XLI—ADJUSTMENT TO LAWFUL STATUS

SEC. 4101. AGRICULTURAL WORKERS.

(a) TEMPORARY RESIDENT STATUS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer upon an alien who qualifies under this subsection the status of an alien lawfully admitted for temporary residence if the Secretary determines that the following requirements are satisfied with respect to the alien:

(A) PERFORMANCE OF AGRICULTURAL EMPLOYMENT IN THE UNITED STATES.—The alien must establish that the alien has performed agricultural employment in the United States for at least 575 hours or 100 work days, whichever is less, during any 12 consecutive months during the 18-month period ending on August 31, 2003.

(B) APPLICATION PERIOD.—The alien must apply for such status during the 18-month application period beginning on the 1st day of the 7th month that begins after the date of enactment of this division.

(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that the alien is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien shall be provided an ''employment authorized'' endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF TEMPORARY RESIDENT STATUS.—During the period of temporary resident status granted an alien under this subsection, the Secretary may terminate such status only upon a determination under this division that the alien is deportable.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) terminates on August 31, 2009.

(b) RIGHTS OF ALIENS GRANTED TEMPORARY RESIDENT STATUS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (a), such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted status under subsection (a) may be terminated from employment by any employer during the period of temporary resident status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition in accordance with this subparagraph of complaints by aliens granted temporary resident status under subsection (a) who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted temporary resident status under subsection (a) without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted temporary resident status under subsection (a) has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact

in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least 360 work days or 2,060 hours, but in no case less than 2,060 hours, of agricultural employment in the United States, during the period beginning on September 1, 2003, and ending on August 31, 2009.

(ii) QUALIFYING YEARS.—The alien has performed at least 75 work days or 430 hours, but in no case less than 430 hours, of agricultural employment in the United States in at least 3 nonoverlapping periods of 12 consecutive months during the period beginning on September 1, 2003, and ending on August 31, 2009. Qualifying periods under this clause may include nonconsecutive 12-month periods.

(iii) QUALIFYING WORK IN FIRST 3 YEARS.—The alien has performed at least 240 work days or 1,380 hours, but in no case less than 1,380 hours, of agricultural employment during the period beginning on September 1, 2003, and ending on August 31, 2006.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than August 31, 2010.

(v) PROOF.—In meeting the requirements of clauses (i), (ii), and (iii), an alien may submit the record of employment described in subsection (a)(5) or such documentation as may be submitted under subsection (d)(3).

(vi) DISABILITY.—In determining whether an alien has met the requirements of clauses (i), (ii), and (iii), the Secretary shall credit the alien with any work days lost because the alien was unable to work in agricultural employment due to injury or disease arising out of and in the course of the alien's agricultural employment, if the alien can establish such disabling injury or disease through medical records.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the temporary resident status granted such alien under subsection (a), if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to temporary resident status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2); or

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States.

(C) GROUNDS FOR REMOVAL.—Any alien granted temporary resident status under subsection (a) who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a). The Secretary shall issue regulations establishing grounds to waive subparagraph (A)(iii) with respect to an alien who has completed at least 200 days of the work requirement specified in such subparagraph in the event of a natural disaster which substantially limits the availability of agricultural employment or a personal emergency that prevents compliance with such subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted temporary resident status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN PRIOR TO ADJUSTMENT OF STATUS.—A spouse and minor child of an alien granted temporary resident status under subsection (a) may not be—

(i) removed while such alien maintains such status; and

(ii) granted authorization to engage in employment in the United States or be provided an ''employment authorized'' endorsement or other work permit, unless such employment authorization is granted under another provision of law.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—

(A) WITHIN THE UNITED STATES.—The Secretary shall provide that—

(i) applications for temporary resident status under subsection (a) may be filed—

(I) with the Secretary, but only if the applicant is represented by an attorney; or

(II) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(ii) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(B) OUTSIDE THE UNITED STATES.—The Secretary, in cooperation with the Secretary of State, shall establish a procedure whereby an alien may apply for temporary resident status under subsection (a) at an appropriate consular office outside the United States.

(C) PRELIMINARY APPLICATIONS.—

(i) IN GENERAL.—During the application period described in subsection (a)(1)(B), the Secretary may grant admission to the United States as a temporary resident and provide an ''employment authorized'' endorsement or other appropriate work permit to any alien who presents a preliminary application for such status under subsection (a) at a designated port of entry on the southern land border of the United States. An alien who does not enter through a port of entry is subject to deportation and removal as otherwise provided in this division.

(ii) DEFINITION.—For purposes of clause (i), the term ''preliminary application'' means a fully completed and signed application which contains specific information concerning the performance of qualifying employment in the United States, together with the payment of the appropriate fee and the submission of photographs and the documentary evidence which the applicant intends to submit as proof of such employment.

(iii) ELIGIBILITY.—An applicant under clause (i) must be otherwise admissible to the United States under subsection (e)(2) and must establish to the satisfaction of the examining officer during an interview that the applicant's claim to eligibility for temporary resident status is credible.

(D) TRAVEL DOCUMENTATION.—The Secretary shall provide each alien granted status under this section with a counterfeit-resistant document of authorization to enter or reenter the United States that meets the requirements established by the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95–145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this division as ''qualified designated entities''.

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or subsection (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—(i) An alien applying for status under subsection (a)(1) or subsection (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or subsection (c)(1)(A)).

(ii) If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) An alien can meet such burden of proof if the alien establishes that the alien has in fact performed the work described in subsection (a)(1)(A) or subsection (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity must agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but not to forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department of Homeland Security, or bureau or agency thereof, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department of Homeland Security, or bureau or agency thereof, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) CRIME.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Whoever—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application;

shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the ''Agricultural Worker Immigration Status Adjustment Account''. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the ''Agricultural Worker Immigration Status Adjustment Account'' shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of such section 212(a) may not be waived by the Secretary under clause (i):

(I) Subparagraphs (A) and (B) of paragraph (2) (relating to criminals).

(II) Paragraph (4) (relating to aliens likely to become public charges).

(III) Paragraph (2)(C) (relating to drug offenses).

(IV) Paragraph (3) (relating to security and related grounds).

(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this division, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for temporary resident status under subsection (a) (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for temporary resident status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for temporary resident status under subsection (a) during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an ''employment authorized'' endorsement or other appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the 1st day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the 1st day of the 7th month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) FUNDING.—There are hereby appropriated, out of any money in the Treasury not otherwise appropriated, $40,000,000 for each of fiscal years 2004 through 2007 to the Secretary to carry out this section.

SEC. 4102. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted status as a lawful temporary resident under the Agricultural Job Opportunity, Benefits, and Security Act of 2004,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred prior to the date on which the

alien was granted lawful temporary resident status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the 1st day of the 7th month that begins after the date of enactment of this Act.

TITLE XLII—REFORM OF H–2A WORKER PROGRAM

SEC. 4201. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by striking section 218 (8 U.S.C. 1188) and inserting the following:

''H–2A EMPLOYER APPLICATIONS

''SEC. 218. (a) APPLICATIONS TO THE SECRETARY OF LABOR.—

''(1) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

''(A) the assurances described in subsection (b);

''(B) a description of the nature and location of the work to be performed;

''(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

''(D) the number of job opportunities in which the employer seeks to employ the workers.

''(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that must be possessed by a worker to be employed in the job opportunity in question.

''(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

''(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

''(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

''(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

''(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

''(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

''(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

''(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

''(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

''(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

''(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

''(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

''(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

''(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

''(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

''(H) EMPLOYMENT OF UNITED STATES WORKERS.—

''(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

''(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

''(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days prior to the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

''(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days prior to the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

''(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

''(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

''(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

''(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers prior to the arrival of H–2A workers in order to force the hiring of United States workers under this clause.

''(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

''(III) PLACEMENT OF UNITED STATES WORKERS.—Prior to referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

''(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

''(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

''(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A through 218C.

''(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

''(d) WITHDRAWAL OF APPLICATIONS.—

''(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

''(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

''(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

''(e) REVIEW AND APPROVAL OF APPLICATIONS.—

''(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

''(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

''(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

''(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

''H–2A EMPLOYMENT REQUIREMENTS

''SEC. 218A. (a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

''(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which must accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

''(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

''(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

''(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

''(C) FAMILY HOUSING.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

''(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

''(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

''(F) CHARGES FOR HOUSING.—

''(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

''(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. However, an employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

''(i) IN GENERAL.—In lieu of offering housing pursuant to subparagraph (A), the employer may provide a reasonable housing allowance, but only if the requirement of clause (ii) is satisfied. Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. However, no housing allowance may be used for housing which is owned or controlled by the employer.

''(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

''(iii) AMOUNT OF ALLOWANCE.—

''(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

''(2) REIMBURSEMENT OF TRANSPORTATION.—

''(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

''(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to

provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

''(C) LIMITATION.—

''(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

''(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

''(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

''(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

''(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

''(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters (i.e., housing provided by the employer pursuant to paragraph (1), including housing provided through a housing allowance) and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

''(3) REQUIRED WAGES.—

''(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

''(B) LIMITATION.—Effective on the date of enactment of the Agricultural Job Opportunity, Benefits, and Security Act of 2004 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

''(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

''(i) FIRST ADJUSTMENT.—Unless Congress acts to set a new wage standard applicable to this section, effective on December 1, 2006, the adverse effect wage rate then in effect shall be adjusted by the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the preceding year and December of the second preceding year, except that such adjustment shall not exceed 4 percent.

''(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Effective on March 1, 2007, and each March 1 thereafter, the adverse effect wage rate then in effect shall be adjusted in accordance with the requirements of clause (i).

''(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

''(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

''(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in one or more written statements the following information:

''(i) The worker's total earnings for the pay period.

''(ii) The worker's hourly rate of pay, piece rate of pay, or both.

''(iii) The hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4)).

''(iv) The hours actually worked by the worker.

''(v) An itemization of the deductions made from the worker's wages.

''(vi) If piece rates of pay are used, the units produced daily.

''(G) REPORT ON WAGE PROTECTIONS.—Not later than June 1, 2007, the Resources, Community and Economic Development Division, and the Health, Education and Human Services Division, of the General Accounting Office shall jointly prepare and transmit to the Secretary of Labor and to the Committees on the Judiciary of the House of Representatives and the Senate a report which shall address—

''(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

''(v) recommendations for future wage protection under this section.

''(H) COMMISSION ON WAGE STANDARDS.—

''(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the 'Commission').

''(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

''(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

''(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

''(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

''(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

''(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

''(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

''(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

''(V) recommendations for future wage protection under this section.

''(iv) FINAL REPORT.—Not later than June 1, 2007, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

''(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

''(4) GUARANTEE OF EMPLOYMENT.—

''(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

''(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

''(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 'three-fourths guarantee' described in subparagraph (A).

''(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the

worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

''(5) MOTOR VEHICLE SAFETY.—

''(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

''(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

''(ii) USES OR CAUSES TO BE USED.—(I) In this subsection, the term 'uses or causes to be used' applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer.

''(II) The term 'uses or causes to be used' does not apply to—

''(aa) transportation provided, or transportation arrangements made, by an H–2A worker himself or herself, unless the employer specifically requested or arranged such transportation; or

''(bb) carpooling arrangements made by H–2A workers themselves, using one of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

''(III) The mere providing of a job offer by an employer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

''(iii) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

''(iv) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

''(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

''(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

''(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

''(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

''(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

''(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

''(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

''(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

''(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

''(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

''(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

''(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section or sections 218 or 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

''PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS

''SEC. 218B. (a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

''(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

''(c) CRITERIA FOR ADMISSIBILITY.—

''(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

''(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

''(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

''(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

''(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

''(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

''(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

''(d) PERIOD OF ADMISSION.—

''(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of up to 1 week before the beginning of the period of employment (to be granted for the purpose of travel to the work site) and a period of 14 days following the period of employment (to be granted for the purpose of departure or extension based on a subsequent offer of employment), except that—

''(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

''(B) the total period of employment, including such 14-day period, may not exceed 10 months.

''(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this division.

''(e) ABANDONMENT OF EMPLOYMENT.—

''(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

''(2) REPORT BY EMPLOYER.—The employer (or association acting as agent for the employer) shall notify the Secretary within 7 days of an H–2A worker's having prematurely abandoned employment.

''(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

''(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

''(f) REPLACEMENT OF ALIEN.—

''(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

''(A) who abandons or prematurely terminates employment; or

''(B) whose employment is terminated after a United States worker is employed

pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

''(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this division.

''(g) IDENTIFICATION DOCUMENT.—

''(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

''(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

''(A) The document shall be capable of reliably determining whether—

''(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

''(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

''(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

''(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

''(C) The document shall—

''(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

''(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

''(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

''(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

''(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

''(A) for a period of more than 10 months; or

''(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

''(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—In the case of an alien who is lawfully present in the United States, the alien is authorized to commence the employment described in a petition under paragraph (1) on the date on which the petition is filed. For purposes of the preceding sentence, the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition. The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States. Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

''(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

''(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

''(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

''(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

''(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

''(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

''(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS.—Notwithstanding any other provision of the Agricultural Job Opportunity, Benefits, and Security Act of 2004, aliens admitted under section 101(a)(15)(H)(ii)(a) for employment as sheepherders—

''(1) may be admitted for a period of 12 months;

''(2) may be extended for a continuous period of up to 3 years; and

''(3) shall not be subject to the requirements of subsection (h)(5) relating to periods of absence from the United States.

''WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT

''SEC. 218C. (a) ENFORCEMENT AUTHORITY.—

''(1) INVESTIGATION OF COMPLAINTS.—

''(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (H). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

''(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

''(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

''(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

''(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

''(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

''(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

''(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

''(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not

impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

''(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

''(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

''(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

''(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

''(2) The reimbursement of transportation as required under section 218A(b)(2).

''(3) The payment of wages required under section 218A(b)(3) when due.

''(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

''(5) The guarantee of employment required under section 218A(b)(4).

''(6) The motor vehicle safety requirements under section 218A(b)(5).

''(7) The prohibition of discrimination under subsection (d)(2).

''(c) PRIVATE RIGHT OF ACTION.—

''(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

''(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

''(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

''(C) AUTHORIZATION.—There is hereby authorized to be appropriated annually not to exceed $500,000 to the Federal Mediation and Conciliation Service to carry out this section, provided that, any contrary provision of law notwithstanding, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

''(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this division, not later than 3 years after the date the violation occurs.

''(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn prior to the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

''(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this division shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this division.

''(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this division shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this division. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

''(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

''(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

''(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

''(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

''(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

''(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

''(i) a recovery under a State workers' compensation law; or

''(ii) rights conferred under a State workers' compensation law.

''(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

''(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and H–2A employer reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

''(d) DISCRIMINATION PROHIBITED.—

''(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

''(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

''(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

''(f) ROLE OF ASSOCIATIONS.—

''(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

''(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

''DEFINITIONS

''SEC. 218D. For purposes of sections 218 through 218C:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

''(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

''(3) DISPLACE.—In the case of an application with respect to 1 or more H–2A workers by an employer, the employer is considered to 'displace' a United States worker from a job if the employer lays off the worker from a job for which the H–2A worker or workers is or are sought.

''(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A(h)(3)).

''(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

''(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

''(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

''(9) LAYS OFF.—

''(A) IN GENERAL.—The term 'lays off', with respect to a worker—

''(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

''(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

''(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

''(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

''(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

(B) from its nature, it may not be continuous or carried on throughout the year.

''(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

''(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

''(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).''.

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

''Sec. 218. H–2A employer applications.
''Sec. 218A. H–2A employment requirements.
''Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
''Sec. 218C. Worker protections and labor standards enforcement.
''Sec. 218D. Definitions.''.

TITLE XLIII—MISCELLANEOUS PROVISIONS

SEC. 4301. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this division, and a collection process for such fees from employers participating in the program provided under this division. Such fees shall be the only fees chargeable to employers for services provided under this division.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 4201 of this division, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this division, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as added by section 4201 of this division, and the provisions of this division.

SEC. 4302. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this division.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this division.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this division.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, and 218C of the Immigration and Nationality Act, as added by section 4201, shall take effect on the effective date of section 4201 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 4303. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, sections 4201 and 4301 shall take effect 1 year after the date of enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of the Congress a report that describes the measures being taken and the progress made in implementing this division.

SA 3397. Mr. HARKIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the measure, add the following new division:

DIVISION

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

1. (a) SHORT TITLE.—This Act may be cited as the 'Code Talkers Recognition Act'.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Expression of recognition.

TITLE I—SIOUX CODE TALKERS

Sec. 101. Findings.
Sec. 102. Congressional gold medal.

TITLE II—COMANCHE CODE TALKERS

Sec. 201. Findings.
Sec. 202. Congressional gold medal.

TITLE III—CHOCTAW CODE TALKERS

Sec. 301. Findings.
Sec. 302. Congressional gold medal.

TITLE IV—SAC AND FOX CODE TALKERS

Sec. 401. Findings.
Sec. 402. Congressional gold medal.

TITLE V—GENERAL PROVISIONS

Sec. 501. Definition of Indian tribe.
Sec. 502. Medals for other Code Talkers.
Sec. 503. Provisions applicable to all medals under this Act.
Sec. 504. Duplicate medals.
Sec. 505. Status as national medals.
Sec. 506. Funding.

SEC. 2. EXPRESSION OF RECOGNITION.

The purpose of the medals authorized by this Act is to express recognition by the United States and citizens of the United States of, and to honor, the Native American Code Talkers who distinguished themselves in performing highly successful communications operations of a unique type that greatly assisted in saving countless lives and in hastening the end of World War I and World War II.

TITLE I—SIOUX CODE TALKERS

SEC. 101. FINDINGS.

Congress finds that—

(1) Sioux Indians used their native languages, Dakota, Lakota, and Dakota Sioux, as code during World War II;

(2) those individuals, who manned radio communications networks to advise of enemy actions, became known as the Sioux Code Talkers;

(3) under some of the heaviest combat action, the Code Talkers worked around the clock to provide information that saved the lives of many Americans in war theaters in the Pacific and Europe, such as the location of enemy troops and the number of enemy guns; and

(4) the Sioux Code Talkers were so successful that military commanders credit the code with saving the lives of countless American soldiers and being instrumental to the success of the United States in many battles during World War II.

SEC. 102. CONGRESSIONAL GOLD MEDAL.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design, to each Sioux Code Talker, including—

(1) Eddie Eagle Boy;
(2) Simon Brokenleg;
(3) Iver Crow Eagle, Sr.;
(4) Edmund St. John;
(5) Walter C. John;
(6) John Bear King;
(7) Phillip 'Stoney' LaBlanc;
(8) Baptiste Pumpkinseed;
(9) Guy Rondell;
(10) Charles Whitepipe; and
(11) Clarence Wolfguts.

TITLE II—COMANCHE CODE TALKERS

SEC. 201. FINDINGS.

Congress finds that—

(1) the Japanese Empire attacked Pearl Harbor, Hawaii, on December 7, 1941, and Congress declared war on Japan the following day;

(2) the military code developed by the United States for transmitting messages had been deciphered by the Axis powers, and United States military intelligence sought to develop a new means to counter the enemy;

(3) the Federal Government called on the Comanche Nation to support the military effort by recruiting and enlisting Comanche men to serve in the United States Army to develop a secret code based on the Comanche language;

(4) at the time, the Comanches were—

(A) considered to be second-class citizens; and

(B) discouraged from using their own language;

(5) the Comanches of the 4th Signal Division became known as the 'Comanche Code Talkers' and helped to develop a code using their language to communicate military messages during the D-Day invasion and in the European theater during World War II;

(6) to the frustration of the enemy, the code developed by those Native Americans—

(A) proved to be unbreakable; and

(B) was used extensively throughout the European war theater;

(7) the Comanche language, discouraged in the past, was instrumental in developing 1 of the most significant and successful military codes of World War II;

(8) the efforts of the Comanche Code Talkers—

(A) contributed greatly to the Allied war effort in Europe;

(B) were instrumental in winning the war in Europe; and

(C) their efforts saved countless lives;

(9) only 1 of the Comanche Code Talkers of World War 11 remains alive today; and

(10) the time has come for Congress to honor the Comanche Code Talkers for their valor and service to the United States.

SEC. 202. CONGRESSIONAL GOLD MEDAL.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design to each of the following Comanche Code Talkers of World War II, in recognition of contributions of those individuals to the United States:

(1) Charles Chibitty.
(2) Haddon Codynah.
(3) Robert Holder.
(4) Forrest Kassanovoid.
(5) Willington Mihecoby.
(6) Perry Noyebad.
(7) Clifford Otitivo.
(8) Simmons Parker.
(9) Melvin Permansu.
(10) Dick Red Elk.
(11) Elgin Red Elk.
(12) Larry Saupitty.
(13) Morris Sunrise.
(14) Willie Yackeschi.

TITLE III—CHOCTAW CODE TALKERS

SEC. 301. FINDINGS.

Congress finds that—

(1) on April 6, 1917, the United States, after extraordinary provocations, declared war on Germany and entered World War I, the War to End All Wars;

(2) at the time of that declaration of war, Indian people in the United States, including members of the Choctaw Nation, were not accorded the status of citizens of the United States;

(3) without regard to this lack of citizenship, many members of the Choctaw Nation joined many members of other Indian tribes and nations in enlisting in the Armed Forces to fight on behalf of the United States;

(4) members of the Choctaw Nation were—

(A) enlisted in the force known as the American Expeditionary Force, which began hostile actions in France in the fall of 1917; and

(B) incorporated in a company of Indian enlistees serving in the 142d Infantry Company of the 36th Division;

(5) a major impediment to Allied operations in general, and operations of the United States in particular, was the fact that the German forces had deciphered all codes used for transmitting information between Allied commands, leading to substantial loss of men and materiel during the first year in which the military of the United States engaged in combat in World War I;

(6) because of the proximity and static nature of the battle lines, a method to communicate without the knowledge of the enemy was needed;

(7) a commander of the United States realized the fact that he had under his command a number of men who spoke a native language;

(8) while the use of such native languages was discouraged by the Federal Government, the commander sought out and recruited 18 Choctaw Indians to assist in transmitting field telephone communications during an upcoming campaign;

(9) because the language used by the Choctaw soldiers in the transmission of information was not based on a European language or on a mathematical progression, the Germans were unable to understand any of the transmissions;

(10) the Choctaw soldiers were placed in different command positions to achieve the widest practicable area for communications;

(11) the use of the Choctaw Code Talkers was particularly important in—

(A) the movement of American soldiers in October of 1918 (including securing forward and exposed positions);

(B) the protection of supplies during American action (including protecting gun emplacements from enemy shelling); and

(C) in the preparation for the assault on German positions in the final stages of combat operations in the fall of 1918;

(12) in the opinion of the officers involved, the use of Choctaw Indians to transmit information in their native language saved men and munitions, and was highly successful;

(13) based on that successful experience, Choctaw Indians were withdrawn from frontline units for training in transmission of codes so as to be more widely used when the war came to an end;

(14) the Germans never succeeded in breaking the Choctaw code;

(15) that was the first time in modern warfare that the transmission of messages in a Native American language was used for the purpose of confusing the enemy;

(16) this action by members of the Choctaw Nation—

(A) is another example of the commitment of Native Americans to the defense of the United States; and

(B) adds to the proud legacy of such service; and

(17) the Choctaw Nation has honored the actions of those 18 Choctaw Code Talkers through a memorial bearing their names located at the entrance of the tribal complex in Durant, Oklahoma.

SEC. 302. CONGRESSIONAL GOLD MEDAL.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design honoring the Choctaw Code Talkers.

TITLE IV—SAC AND FOX CODE TALKERS

SEC. 401. FINDINGS.

Congress finds that—

(1) Sac and Fox Indians used their native language, Meskwaki to transmit military code during World War II;

(2) those individuals, who manned radio communications networks to advise of enemy actions, became known as the Sac and Fox Code Talkers; and

(3) under heavy combat action, the Code Talkers worked without sleep to provide information that saved the lives of many Americans.

SEC. 402.

The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design to each of the following Sac and Fox Code Talkers of World War II, in recognition of contributions of those individuals to the United States:

(1) Frank Sanache.
(2) Willard Sanache.
(3) Dewey Youngbear.
(4) Edward Benson.
(5) Judie Wayne Wabaunasee.
(6) Mike Wayne Wabaunasee.
(7) Dewey Roberts.
(8) Melvin Twin.

TITLE V—GENERAL PROVISIONS

SEC. 501. DEFINITION OF INDIAN TRIBE.

In this title, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 4506).

SEC. 502. MEDALS FOR OTHER CODE TALKERS.

(a) PRESENTATION AUTHORIZED.—In addition to the gold medals authorized to be presented under sections 102, 202, and 302, the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design to any other Native American Code Talker identified by the Secretary of Defense under subsection (b) who has not previously received a congressional gold medal.

(b) IDENTIFICATION OF OTHER NATIVE AMERICAN CODE TALKERS.—

(1) IN GENERAL.—Any Native American member of the United States Armed Forces who served as a Code Talker in any foreign conflict in which the United States was involved during the 20th Century shall be eligible for a gold medal under this section.

(2) DETERMINATION.—The Secretary of Defense shall—

(A) determine eligibility under paragraph (1); and

(B) not later than 120 days after the date of enactment of this Act, establish a list of the names of individuals eligible to receive a medal under paragraph (1).

SEC. 503. PROVISIONS APPLICABLE TO ALL MEDALS UNDER THIS ACT.

(a) MEDALS AWARDED POSTHUMOUSLY.—A medal authorized by this Act may be awarded posthumously on behalf of, and presented to the next of kin or other representative of, a Native American Code Talker.

(b) DESIGN AND STRIKING.—

(1) IN GENERAL.—For purposes of any presentation of a gold medal under this Act, the Secretary of the Treasury shall strike gold medals with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury.

(2) DESIGNS EMBLEMATIC OF TRIBAL AFFILIATION.—The design of the gold medals struck under this Act for Native American Code Talkers who are members of the same Indian tribe shall be emblematic of the participation of the Code Talkers of that Indian tribe.

SEC. 504. DUPLICATE MEDALS.

The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medals struck under this Act—

(1) in accordance with such regulations as the Secretary may promulgate; and

(2) at a price sufficient to cover the costs of the medals (including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the bronze medal).

SEC. 505. STATUS AS NATIONAL MEDALS.

A medal struck under this Act shall be considered to be a national medal for the purpose of chapter 51 of title 31, United States Code.

SEC. 506. FUNDING.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as are necessary to strike and award medals authorized by this Act.

(b) PROCEEDS OF SALE.—All amounts received from the sale of duplicate bronze medals under section 404 shall be deposited in the United States Mint Public Enterprise Fund.

SA 3398. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 408, between lines 9 and 10, insert the following:

SEC. 3147. HAZARDOUS MATERIALS MANAGEMENT AND EMERGENCY RESPONSE TRAINING AND EDUCATION CENTER.

(a) TRANSFER OF RESPONSIBILITY FOR MANAGEMENT AND OPERATIONS.—(1) The Secretary of Energy shall transfer to the Office of Energy Assurance of the Department of Energy responsibility for the management and operations of the Hazardous Materials Management and Emergency Response Training and Education Center (referred to in this section as ''HAMMER'') authorized under section 3142 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1948).

(2) The Secretary of Energy shall ensure that the Office of Energy Assurance carries out the worker safety and health training programs, including computer-based, hands-on, and simulation training, that are conducted at HAMMER in support of cleanup efforts at the Hanford Site, Richland, Washington.

(3) The Secretary of Energy may enter into partnering arrangements with other Federal and non-Federal entities to use excess capacities and develop new homeland security, environmental, and health and safety capabilities at HAMMER. Activities under such arrangements may include the establishment and operation of a training center of excellence at HAMMER.

(b) FUNDING.—Of the amounts authorized to be appropriated by section 3102 for environmental management activities, $6,000,000 shall be made available in fiscal year 2005 for the Office of Energy Assurance for carrying out activities under this section.

SA 3399. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 296, between lines 14 and 15, insert the following:

TITLE XIII—VETERANS' ENHANCED TRANSITION SERVICES

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Veterans' Enhanced Transition Services Act of 2004''.

SEC. 1302. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) PRESEPARATION COUNSELING.—(1) Subsection (a) of section 1142 of title 10, United States Code, is amended—

(A) in paragraph (1), by striking ''shall provide for individual separation counseling'' and inserting ''shall provide individual separation counseling'';

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following new paragraphs:

''(4) For members of the reserve components who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

''(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.''.

(2) Subsection (b)(4) of such section 1142 is amended by striking ''(4) Information concerning'' and inserting the following:

''(4) Provide information on civilian occupations and related assistance programs, including information about—

''(A) certification and licensure requirements that are applicable to civilian occupations;

''(B) civilian occupations that correspond to military occupational specialties; and

''(C)''.

(3) Section 1142 of such title is further amended by adding at the end the following new subsections:

''(c) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

''(A) preseparation counseling under this section includes material that is specifically relevant to the needs of persons being separated from active duty by discharge from a regular component of the armed forces and the needs of members of the reserve components being separated from active duty;

''(B) the locations at which preseparation counseling is presented to eligible personnel include—

''(i) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

''(ii) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member.

''(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

''(D) followup counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

''(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section.

''(d) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard being separated from long-term duty to which ordered under section 502(f) of title 32 shall also be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

''(2) The preseparation counseling provided personnel under paragraph (1) shall include material that is specifically relevant to the needs of such personnel as members of the National Guard.

''(3) The Secretary of Defense shall prescribe in regulations the standards for determining long-term duty for the purposes of paragraph (1).''.

(4)(A) The heading for section 1142 of such title is amended to read as follows:

''§ 1142. Members separating from active duty: preseparation counseling''.

(B) The item relating to such section in the table of sections at the beginning of chapter 58 of such title is amended to read as follows:

''1142. Members separating from active duty: preseparation counseling.

(b) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—(1) Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

''(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

''(2) The Secretary of Defense and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

''(A) Each member who has previously participated in the program.

''(B) Each member who, upon discharge or release from active duty, is returning to—

''(i) a position of employment previously held by such member; or

''(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.''.

(2) Subsection (a)(1) of such section is amended by striking ''paragraph (4)(A)'' in the second sentence and inserting ''paragraph (6)(A)''.

(c) STUDY ON COORDINATION OF JOB TRAINING AND CERTIFICATION STANDARDS.—The Secretary of Defense and the Secretary of Labor shall jointly carry out a study to determine ways to coordinate the standards applied by the Armed Forces for the training and certification of members of the Armed Forces in military occupational specialties with the standards that are applied to corresponding civilian occupations by occupational licensing or certification agencies of governments and occupational certification agencies in the private sector.

SEC. 1303. BENEFITS DELIVERY AT DISCHARGE PROGRAMS.

(a) PLAN FOR MAXIMUM ACCESS TO BENEFITS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to benefits delivery at discharge programs for members of the Armed Forces. The plan shall include a description of efforts to ensure that services under such programs are provided to the maximum extent practicable—

(1) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under the programs are discharged from the armed forces; and

(2) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member.

(b) BENEFITS DELIVERY OF DISCHARGE PROGRAMS DEFINED.—In this section, the term ''benefits delivery at discharge program'' means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits together with other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for which eligible.

SEC. 1304. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS.—(1) Section 1074f of title 10, United States Code, is amended—

(A) in subsection (b), by striking ''(including an assessment of mental health'' and inserting ''(which shall include mental health screening and assessment'';

(B) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(C) by inserting after subsection (b) the following new subsections:

''(c) MEDICAL EXAMINATIONS.—(1) The Secretary of Defense shall prescribe the minimum content and standards that apply for the medical examinations required under this section. The Secretary shall ensure that the content and standards prescribed under the preceding sentence are applied uniformly at all installations and medical facilities of the armed forces where medical examinations required under this section are performed for members of the armed forces returning from a deployment as described in subsection (a).

''(2) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements of this subsection for a medical examination and does not meet the requirements of this section for an assessment.

''(3) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include content and standards for screening mental health disorders, and in the case of acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, shall specifically include questions to identify stressors experienced by members that have the potential to lead to post-traumatic stress disorder.

''(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary's authority under this section) or by the member.

''(d) FOLLOWUP SERVICES.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a post-deployment medical examination carried out under the system established under this section, receives an indication for a referral for followup treatment from the health care provider who performs the examination.

''(2) Assistance required to be provided a member under paragraph (1) includes the following:

''(A) Information regarding, and any appropriate referral for, care and treatment and other services that the Secretary of Defense or the Secretary of Veterans Affairs may provide such member under any other provision of law, as follows:

''(i) Clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions.

''(ii) Any other care, treatment, and services.

''(B) Information on the private sector sources of treatment that are available to the member in the member's community

''(C) Assistance to enroll in the Department of Veterans Affairs health care system for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.''.

(2) In the development of questions regarding stressors to include in assessments under subsection (c)(3) of section 1074f of title 10, United States Code (as added by paragraph (1)), consideration shall be given to using the same questions as those that were included in the post-deployment assessment questionnaire that was used in post-deployment assessments under such section in May 2004 or similar questions.

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report under paragraph (1) shall include the following information:

(A) The number of persons treated.

(B) The types of interventions.

(C) The programs that are in place for each of the Armed Forces to identify and treat cases of post-traumatic stress disorder and related conditions.

SEC. 1305. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—(1) Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1154. Veteran-to-veteran preseparation counseling

''(a) COOPERATION REQUIRED.—The Secretary of Defense shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

''(b) REQUIRED PROGRAM ELEMENT.—The program under this section shall provide for representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to be invited to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title and the benefits delivery at discharge programs.

''(c) LOCATIONS.—The program under this section shall provide for access to members—

''(1) at each installation of the armed forces;

''(2) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

''(3) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

''(d) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.

''(e) DEFINITIONS.—In this section:

''(1) The term 'benefits delivery at discharge program' means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the armed forces who are separating from the armed forces, including assistance to obtain any disability benefits for which eligible.

''(2) The term 'veterans' service organization' means an organization that is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''1154. Veteran-to-veteran preseparation counseling.''.

(b) DEPARTMENT OF VETERANS AFFAIRS.—(1) Subchapter 1 of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 1709. Veteran-to-veteran counseling

''(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on the care and services authorized by this chapter and on other benefits and services available under the laws administered by the Secretary.

''(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department or non-Department facility at which the Secretary furnishes care and services under this chapter.

''(c) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.

''(d) VETERANS' SERVICE ORGANIZATION DEFINED.—In this section, the term 'veterans' service organization' means an organization that is recognized by the Secretary for the representation of veterans under section 5902 of this title.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 1708 the following new item:

''1709. Veteran-to-veteran counseling.''.

SEC. 1306. COLLEGE CREDIT FOR SERVICE IN ARMED FORCES.

(a) REQUIREMENT FOR PROGRAM.—Chapter 58 of title 10, United States Code, as amended by section 1305(a), is further amended by adding at the end the following new section:

''§ 1155. College credit for training in the armed forces

''The Secretary of Defense shall carry out a program to assist members of the armed forces being discharged, released from active duty, or retired to obtain college credit for training received as a member of the armed forces.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 1305(a)(2), is amended by adding at the end the following new item:

''1155. College credit for training in the armed forces.''.

SA 3400. Mr. FEINGOLD (for himself, Mrs. MURRAY, Mr. CORZINE, and Mr. DAYTON) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, between lines 17 and 18, insert the following:

Subtitle F—Leave for Military Families

SEC. 661. SHORT TITLE.

This subtitle may be cited as the ''Military Families Leave Act of 2004''.

SEC. 662. GENERAL REQUIREMENTS FOR LEAVE.

(a) ENTITLEMENT TO LEAVE.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) ENTITLEMENT TO LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—

''(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

''(i) on active duty in support of a contingency operation; or

''(ii) notified of an impending call or order to active duty in support of a contingency operation.

''(B) CONDITIONS AND TIME FOR TAKING LEAVE.—An eligible employee shall be entitled to take leave under subparagraph (A)—

''(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

''(ii) only for issues directly relating to or resulting from such family member's—

''(I) service on active duty in support of a contingency operation; and

''(II) if a member of a reserve component of the Armed Forces—

''(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

''(bb) service on active duty in support of such operation.

''(4) LIMITATION.—No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.''.

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting ''or subsection (a)(3)'' after ''subsection (a)(1)''.

(d) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

''(3) NOTICE FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employer as is practicable.''.

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR LEAVE DUE TO FAMILY MEMBER'S ACTIVE DUTY.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

(f) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall prescribe such regulations as are necessary to implement the amendments made by this section.

SEC. 663. LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) ENTITLEMENT TO LEAVE.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) Subject to section 6383(f), an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period because a spouse, son, daughter, or parent of the employee is a member of the Armed Forces—

''(i) on active duty in support of a contingency operation; or

''(ii) notified of an impending call or order to active duty in support of a contingency operation.

''(B) An eligible employee shall be entitled to take leave under subparagraph (A)—

''(i) while the employee's spouse, son, daughter, or parent (referred to in the subparagraph as the 'family member') is on active duty in support of a contingency operation, and, if the family member is a member of a reserve component of the Armed Forces, beginning when such family member receives notification of an impending call or order to active duty in support of a contingency operation; and

''(ii) only for issues directly relating to or resulting from such family member's—

''(I) service on active duty in support of a contingency operation; and

''(II) if a member of a reserve component of the Armed Forces—

''(aa) receipt of notification of an impending call or order to active duty in support of a contingency operation; and

''(bb) service on active duty in support of such operation.

''(4) No employee may take more than a total of 12 workweeks of leave under paragraphs (1) and (3) during any 12-month period.''.

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting ''or subsection (a)(3)'' after ''subsection (a)(1)''.

(d) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

''(3) An employee who intends to take leave under subsection (a)(3) shall provide such notice to the employing agency as is practicable.''.

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

(f) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations necessary to implement the amendments made by this section. The regulations prescribed under this subsection shall, to the extent appropriate, be consistent with the regulations prescribed by the Secretary of Labor under section 663(f).

SEC. 664. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect 180 days after the date of enactment of this Act.

SA 3401. Mr. DODD (for himself and Mr. DEWINE) submitted an amendment

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

At the end, insert the following:

DIVISION D—ASSISTANCE TO FIREFIGHTERS

SEC. 4001. SHORT TITLE.

This division may be cited as the ''Assistance to Firefighters Act of 2004''.

SEC. 4002. AUTHORITY OF SECRETARY OF HOMELAND SECURITY FOR FIREFIGHTER ASSISTANCE PROGRAM.

(a) IN GENERAL.—Subsection (b)(1) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended by striking ''Director'' in the matter preceding subparagraph (A) and inserting ''Secretary of Homeland Security, in consultation with the Administrator,''.

(b) CONFORMING AMENDMENT.—Such section is further amended by striking ''Director'' each place it appears and inserting ''Secretary of Homeland Security''.

(c) TECHNICAL AMENDMENT.—The heading of subsection (b)(8) of such section is amended by striking ''DIRECTOR'' and inserting ''SECRETARY''.

SEC. 4003. GRANTS TO VOLUNTEER EMERGENCY MEDICAL SERVICE ORGANIZATIONS.

(a) AUTHORITY TO AWARD GRANTS TO VOLUNTEER EMERGENCY MEDICAL SERVICE SQUADS.—Paragraph (1)(A) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by inserting ''or to volunteer emergency medical service organizations'' after ''fire departments''.

(b) USE OF GRANT FUNDS.—Paragraph (3)(F) of such section is amended by inserting ''or volunteer emergency medical service organizations that are not affiliated with a for-profit entity'' after ''fire departments''.

(c) SPECIAL RULE FOR APPLICATIONS FOR VOLUNTEER EMERGENCY MEDICAL SERVICES.—Paragraph (5) of such section is amended by adding at the end, the following new subparagraph:

''(C) SPECIAL RULE FOR VOLUNTEER EMERGENCY MEDICAL SERVICES.—The Secretary of Homeland Security shall permit an applicant seeking grant funds for volunteer emergency medical services under paragraph (3)(F) to use the same application form to seek grant funds for one or more of the other purposes set out in subparagraphs (A) through (O) of paragraph (3).''.

SEC. 4004. GRANTS FOR AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES.

Paragraph (3) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by adding at the end the following new subparagraph:

''(O) To obtain automated external defibrillator devices.''.

SEC. 4005. CRITERIA FOR REVIEWING GRANT APPLICATIONS.

Paragraph (2) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended to read as follows:

''(2) CRITERIA AND REVIEW OF APPLICATIONS.—

''(A) PRELIMINARY REVIEW CRITERIA.—

''(i) IN GENERAL.—The Secretary of Homeland Security shall establish specific criteria for the preliminary review of an application submitted under this section. If an application does not meet such criteria, the application may not receive further consideration for a grant under this section.

''(ii) ANNUAL REVIEW OF CRITERIA.—Not less often than once each year, the Secretary of Homeland Security, in consultation with the Administrator, shall convene a meeting of individuals who are members of a fire service and are recognized for expertise in firefighting or in emergency medical services provided by fire services, and who are not employees of the Federal Government for the purpose of reviewing and proposing changes to the criteria established under clause (i).

''(B) SELECTION THROUGH REVIEW BY EXPERTS.—

''(i) REQUIREMENT FOR REVIEW.—The Secretary of Homeland Security shall award grants under this section based on the review of applications for such grants by a panel of fire service personnel appointed by a national organization recognized for expertise in the operation and administration of fire services.

''(ii) ROLE OF THE SECRETARY.—The Secretary of Homeland Security shall provide for the administration of the review panel described in clause (i) and shall ensure that an individual appointed to such panel is a recognized expert in firefighting, medical services provided by fire services, fire prevention, or research on firefighter safety.''.

SEC. 4006. FINANCIAL ASSISTANCE FOR FIREFIGHTER SAFETY PROGRAMS.

(a) AUTHORITY.—Paragraph (1)(B) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by inserting ''and firefighter safety'' after ''prevention''.

(b) EXPANSION OF EXISTING PROGRAM.—

(1) FIREFIGHTER SAFETY ASSISTANCE.—Paragraph (4) of such section is amended—

(A) in subparagraph (A)(ii), by striking ''organizations that are recognized'' and all that follows and inserting ''organizations eligible under subparagraph (B) for the purposes described in subparagraph (C).''; and

(B) by striking subparagraph (B), and inserting the following new subparagraphs:

''(B) ELIGIBILITY FOR ASSISTANCE.—An organization may be eligible for assistance under subparagraph (A)(ii), if such organization is a national, State, local, or community organization that is not a fire service and that is recognized for experience and expertise with respect to programs and activities that promote—

''(i) fire prevention or fire safety; or

''(ii) the health and safety of firefighting personnel.

''(C) USE OF FUNDS.—Assistance provided under subparagraph (A)(ii) shall be used—

''(i) to carry out fire prevention programs; or

''(ii) to fund research to improve the health and safety of firefighting personnel.

''(D) PRIORITY.—In selecting organizations described in subparagraph (B) to receive assistance under this paragraph, the Secretary of Homeland Security shall give priority—

''(i) to organizations that focus on preventing injuries from fire to members of groups at high risk of such injuries, with an emphasis on children; and

''(ii) to organizations that focus on researching methods to improve the health and safety of firefighting personnel.

''(E) ALLOCATION OF FUNDS.—Not less than 66 percent of the total amount of funds made available in a fiscal year to carry out this paragraph shall be made available of the programs described in subparagraph (A)(ii).''.

(2) CONFORMING AMENDMENT.—The heading of such paragraph is amended to read as follows:

''(4) FIRE PREVENTION AND FIREFIGHTER SAFETY PROGRAMS.—''.

(c) AVAILABILITY OF FUNDS FOR FIRE PREVENTION AND FIREFIGHTER SAFETY PROGRAMS.—Paragraph (4)(A) of such section, as amended by subsection (b), is further amended in the matter preceding clause (i), by striking ''5 percent'' and inserting ''6 percent''.

SEC. 4007. ASSISTANCE FOR APPLICATIONS.

Paragraph (5) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)), as amended by section 3(c), is further amended by adding at the end the following new subparagraph:

''(D) ASSISTANCE TO PREPARE AN APPLICATION.—The Secretary of Homeland Security shall provide assistance with the preparation of applications for grants under this section.''.

SEC. 4008. REDUCED REQUIREMENTS FOR MATCHING FUNDS.

(a) AMOUNT REQUIRED.—Paragraph (6) of section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)) is amended by striking subparagraphs (A) and (B) and inserting the following:

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary of Homeland Security may provide assistance under this subsection only if the applicant for such assistance agrees to match 20 percent of such assistance for any fiscal year with an equal amount of non-Federal funds.

''(B) REQUIREMENT FOR SMALL COMMUNITY ORGANIZATIONS.—In the case of an applicant whose personnel—

''(i) serve jurisdictions of 50,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 10 percent; or

''(ii) serve jurisdictions of 20,000 or fewer residents, the percent applied under the matching requirement of subparagraph (A) shall be 5 percent.''.

(b) EXCEPTION.—Such paragraph, as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

''(C) EXCEPTION.—No matching funds may be required under this subsection for assistance provided under subparagraph (A)(ii) of paragraph (4) to an organization described in subparagraph (B) of such paragraph.''.

(c) SPECIAL RULE FOR REQUESTS FOR AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES.—Section 33(b) of such Act is further amended by adding at the end the following new paragraph:

''(13) SPECIAL RULES FOR GRANTS FOR AUTOMATED EXTERNAL DEFIBRILLATOR DEVICES.—

''(A) LIMITATIONS.—The Secretary of Homeland Security shall reduce the percentage of non-Federal matching funds for a grant as described in subparagraph (B) if—

''(i) the applicant is requesting grant funds to obtain one or more automated external defibrillator devices, as authorized by paragraph (3)(O);

''(ii) the award of such grant will result in the applicant possessing exactly one such device for each first-due emergency vehicle operated by the applicant;

''(iii) the applicant certifies to the Secretary of Homeland Security that the applicant possesses, at the time such application is filed, a number of such devices that is less than the number of first-due emergency vehicles operated by the applicant and that the applicant is capable of storing, in a manner conducive to rapid use, such devices on each such vehicle; and

''(iv) the applicant has not previously received a grant under this subsection to obtain such devices.

''(B) MATCHING REQUIREMENTS.—If an applicant meets the criteria set out in clauses (i), (ii), (iii), and (iv) of subparagraph (A), the Secretary of Homeland Security shall reduce the percentage of non-Federal matching

funds required by paragraph (6) by 2 percentage points for all assistance requested in the application submitted by such applicant.

''(C) FIRST-DUE DEFINED.—In this paragraph, the term 'first-due' means the firefighting and emergency medical services vehicles that are utilized by a fire service for immediate response to an emergency situation.''.

SEC. 4009. GRANT RECIPIENT LIMITATIONS.

(a) LIMITATIONS ON GRANT AMOUNTS.—Subparagraph (A) of section 33(b)(10) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(10)) is amended to read as follows:

''(A) LIMITATIONS ON GRANT AMOUNT.—

''(i) GENERAL LIMITATION.—Subject to clause (ii), a recipient of assistance under this section may not receive in a fiscal year an amount of such assistance that exceeds the greater of $2,250,000 or the amount equal to 0.5 percent of the total amount of funds appropriated for such assistance for such fiscal year.

''(ii) LIMITATIONS ON BASIS OF POPULATION.—Subject to clause (iii), a recipient of assistance under this section that serves a jurisdiction of less than 1,000,000 individuals may not receive more than $1,500,000 of such assistance for a fiscal year, except that such a recipient that serves a jurisdiction of less than 500,000 individuals may not receive more than $1,000,000 of such assistance during a fiscal year.

''(iii) WAIVER.—With respect to assistance provided in a fiscal year before fiscal year 2007, the Secretary of Homeland Security, in consultation with the Administrator, may waive the limitations set out in clause (ii) if the Secretary determines that a waiver is warranted by an extraordinary need for assistance for fire suppression activities by a jurisdiction, whether such need is caused by the likelihood of terrorist attack, natural disaster, destructive fires occurring over a large geographic area, or some other cause.''.

(b) LIMITATIONS ON GRANTS FOR VOLUNTEER EMERGENCY MEDICAL SERVICES.—Such section, as amended by subsection (a), is further amended by adding at the end the following new subparagraph:

''(C) LIMITATIONS ON EXPENDITURES FOR VOLUNTEER EMERGENCY MEDICAL SERVICES.—Not more than 3.5 percent of the funds appropriated to provide grants under this section for a fiscal year may be awarded to volunteer emergency medical service organizations.''.

SEC. 4010. OTHER CONSIDERATIONS.

Section 33(b) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)), as amended by section 8, is amended by adding at the end the following new paragraph:

''(14) OTHER CONSIDERATIONS.—In providing assistance under this section, the Secretary of Homeland Security shall—

''(A) consider the extent to which the recipient of such assistance is able to enhance the daily operations of a fire service and to improve the protection of people and property from fire; and

''(B) ensure that such assistance awarded to a volunteer emergency medical service organization will not be used to provide emergency medical services in a geographic area if such services are adequately provided by a fire service in such area.''.

SEC. 4011. REPORTS TO CONGRESS.

(a) STUDY AND REPORT ON ASSISTANCE TO FIREFIGHTERS.—

(1) STUDY.—The Secretary, in conjunction with the National Fire Protection Association, shall conduct a study—

(A) to assess the types of activities that are carried out by fire services;

(B) to determine whether the level of Federal funding made available to fire services is adequate;

(C) to assess categories of services, including emergency medical services, that are not adequately provided by fire services on either the national or State level; and

(D) to measure the effect, if any, of the assistance provided under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) on the needs of fire services identified in the report submitted to Congress under section 1701(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–363).

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the findings of the study described in paragraph (1).

(b) REPORT BY GAO.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on—

(1) the administration of the assistance provided under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229); and

(2) the success of the Secretary in administering the Federal Emergency Management Agency.

(c) REPORT ON WAIVER OF AMOUNT LIMITATIONS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the instances, if any, of the use of the waiver authority set out in section 33(b)(10)(A)(iii) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(10)(A)(iii)), as added by section 9.

(d) DEFINITIONS.—In this section:

(1) FIRE SERVICE.—The term ''fire service'' has the meaning given that term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

SEC. 4012. TECHNICAL CORRECTIONS.

(a) REPEAL OF DUPLICATIVE DEFINITION.—Subsection (d) of section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is repealed.

(b) REDESIGNATIONS NECESSITATED BY DUPLICATIVE NUMBERING.—The sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2230 and 2231) that were added by sections 105 and 106 of Public Law 106–503 (114 Stat. 2301) are redesignated as sections 34 and 35, respectively.

SEC. 4013. AUTHORIZATION OF APPROPRIATIONS.

(a) FIREFIGHTER ASSISTANCE PROGRAMS.—Section 33(e) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(e)) is amended by striking the first sentence and inserting ''There are authorized to be appropriated for the purposes of this section $900,000,000 for fiscal year 2005, $950,000,000 for fiscal year 2006, and $1,000,000,000 for each of the fiscal years 2007 through 2010.''.

(b) STUDY ON ASSISTANCE TO FIREFIGHTERS.—There are authorized to be appropriated to the Secretary of Homeland Security $300,000 for fiscal year 2005 to carry out the requirements of section 4011(a).

SA 3402. Mr. GRASSLEY (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, after the matter following line 18, insert the following:

SEC. 1055. DRUG ERADICATION EFFORTS IN AFGHANISTAN.

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

(1) The United States engaged in military action against the Taliban-controlled Government of Afghanistan in 2001 in direct response to the Taliban's support and aid to Al Qaeda.

(2) The military action against the Taliban in Afghanistan was designed, in part, to disrupt the activities of, and financial support for, terrorists.

(3) A greater percentage of the world's opium supply is now produced in Afghanistan than before the Taliban banned the cultivation or trade of opium.

(4) In 2004, more than two years after the Taliban was forcefully removed from power, Afghanistan is supplying approximately 75 percent of the world's heroin.

(5) The estimated value of the opium harvested in Afghanistan in 2003 was $2,300,000,000.

(6) Some of the profits associated with opium harvested in Afghanistan continue to fund terrorists and terrorist organizations, including Al Qaeda, that seek to attack the United States and United States interests.

(7) The global war on terror is and should remain our Nation's highest national security priority.

(8) United States and Coalition counterdrug efforts in Afghanistan have not yet produced significant results.

(9) There are indications of strong, direct connections between terrorism and drug trafficking.

(10) The elimination of this funding source is critical to making significant progress in the global war on terror.

(11) The President of Afghanistan, Hamid Karzai, has stated that opium production poses a significant threat to the future of Afghanistan, and has established a plan of action to deal with this threat.

(12) The United Nations Office on Drugs and Crime has reported that Afghanistan is at risk of again becoming a failed state if strong actions are not taken against narcotics.

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

(1) the President should make the substantial reduction of drug trafficking in Afghanistan a priority in the war on terror;

(2) the Secretary of Defense should, in coordination with the Secretary of State, work to a greater extent in cooperation with the Government of Afghanistan and international anti-drug agencies to assist in the protection of anti-drug personnel in Afghanistan; and

(3) because the trafficking of narcotics is known to support terrorist activities and contributes to the instability of the Government of Afghanistan, additional efforts should be made by the Armed Forces of the United States, in conjunction with and in support of coalition forces, to significantly reduce narcotics trafficking in Afghanistan and neighboring countries, with particular focus on those trafficking organizations with the closest links to known terrorist organizations.

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report that describes—

(1) progress made towards substantially reducing the poppy cultivation and heroin production capabilities in Afghanistan; and

(2) the extent to which profits from illegal drug activity in Afghanistan fund terrorist organizations and support groups that seek

to undermine the Government of Afghanistan.

SA 3403. Mr. BENNETT (for himself, Mr. HATCH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3122. REQUIREMENT OF SPECIFIC AUTHORIZATION OF CONGRESS FOR FULL-SCALE UNDERGROUND NUCLEAR TEST OF ROBUST NUCLEAR EARTH PENETRATOR.

Section 3117 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1746) is amended by inserting '', or conduct a full-scale underground nuclear test of such weapon,'' after ''Robust Nuclear Earth Penetrator weapon''.

SA 3404. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 166, at the beginning of line 4, insert the following:

(a) PROCESS AND STANDARDS FOR MEASURING PROGRAM EFFECTIVENESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a process and standards for measuring the effectiveness of the test program for negotiation of comprehensive small business subcontracting plans carried out under section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note). The Secretary shall consult with the Comptroller General in developing the standards.

(b) NOTIFICATION OF COMPLIANCE.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense and the Comptroller General shall notify Congress regarding whether the deadline in subsection (a) was met.

(c) REVIEW BY THE SMALL BUSINESS ADMINISTRATION.—Until the Secretary of Defense develops and implements the process for measuring the effectiveness of the test program required under subsection (a), the Secretary shall not approve a new subcontracting plan under the test program without review of, and consent to, such plan by the Administrator of the Small Business Administration, acting through the appropriate area Office of Government Contracting of the Small Business Administration. The purpose of the review of a plan under this subsection shall be to determine compliance with section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)).

(d) MONITORING.—The Comptroller General shall monitor the administration of the test program and, not later than three years after the date of the enactment of this Act, submit to Congress a report on the effectiveness of the program.

(e) EXTENSION OF PROGRAM.—

SA 3405. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 164, after line 18, insert the following:

SEC. 816. SENSE OF THE SENATE ON EFFECTS OF COST INFLATION ON THE VALUE RANGE OF THE CONTRACTS TO WHICH A SMALL BUSINESS CONTRACT RESERVATION APPLIES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in the administration of the requirement for reservation of contracts for small businesses under subsection (j) of section 15 of the Small Business Act (15 U.S.C. 644), the maximum amount in the contract value range provided under that subsection should be treated as being adjusted to the same amount to which the simplified acquisition threshold is increased whenever such threshold is increased under law; and

(2) the minimum amount specified in paragraph (1) of such subsection should not be increased on the basis of cost inflation.

(b) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this section, the term ''simplified acquisition threshold'' has the meaning give such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

SA 3406. Mr. FRIST (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF CHILDREN AND PARENTAL INVOLVEMENT IN THE PERFORMANCE OF ABORTIONS FOR DEPENDENT CHILDREN OF MEMBERS OF THE ARMED FORCES.

Section 1093 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(c) PARENTAL NOTICE.—(1) A physician may not use facilities of the Department of Defense to perform an abortion on a pregnant unemancipated minor who is a child of a member of the armed forces unless—

''(A) the physician gives at least 48 hours actual notice, in person or by telephone, of the physician's intent to perform the abortion to—

''(i) the member of the armed forces, or another parent of the minor, if the minor has no managing conservator or guardian; or

''(ii) a court-appointed managing conservator or guardian;

''(B) the judge of an appropriate district court of the United States issues an order authorizing the minor to consent to the abortion as provided by subsection (d) or (e);

''(C) the appropriate district court of the United States by its inaction constructively authorizes the minor to consent to the abortion as provided by subsection (d) or (e); or

''(D) the physician performing the abortion—

''(i) concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial and irreversible impairment of a major bodily function; and

''(ii) certifies in writing to the appropriate medical official of the Department of Defense, and in the patient's medical record, the medical indications supporting the physician's judgment that the circumstances described by clause (i) exist.

''(2) If a person to whom notice may be given under paragraph (1)(A) cannot be notified after a reasonable effort, a physician may perform an abortion if the physician gives 48 hours constructive notice, by certified mail, restricted delivery, sent to the last known address, to the person to whom notice may be given under that paragraph. The period under this paragraph begins when the notice is mailed. If the person required to be notified is not notified within the 48-hour period, the abortion may proceed even if the notice by mail is not received.

''(3) The requirement that 48 hours actual notice be provided under this subsection may be waived by an affidavit of—

''(A) the member of the armed forces concerned, or another parent of the minor, if the minor has no managing conservator or guardian; or

''(B) a court-appointed managing conservator or guardian.

''(4) A physician may execute for inclusion in the minor's medical record an affidavit stating that, according to the best information and belief of the physician, notice or constructive notice has been provided as required by this subsection. Execution of an affidavit under this paragraph creates a presumption that the requirements of this subsection have been satisfied.

''(5) A certification required by paragraph (1)(D) is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. Personal or identifying information about the minor, including her name, address, or social security number, may not be included in a certification under paragraph (1)(D). The physician must keep the medical records on the minor in compliance with regulations prescribed by the Secretary of Defense.

''(6) A physician who intentionally performs an abortion on a pregnant unemancipated minor in violation of this subsection commits an offense punishable by a fine not to exceed $10,000.

''(7) It is a defense to prosecution under this subsection that the minor falsely represented her age or identity to the physician to be at least 18 years of age by displaying an apparently valid governmental record of identification such that a reasonable person under similar circumstances would have relied on the representation. The defense does not apply if the physician is shown to have had independent knowledge of the minor's actual age or identity or failed to use due diligence in determining the minor's age or identity.

''(d) JUDICIAL APPROVAL.—(1) A pregnant unemancipated minor who is a child of a member of the armed forces and who wishes to have an abortion using facilities of the Department of Defense without notification to the member of the armed forces, another parent, her managing conservator, or her guardian may file an application for a court order authorizing the minor to consent to

the performance of an abortion without notification to either of her parents or a managing conservator or guardian.

''(2) Any application under this subsection may be filed in any appropriate district court of the United States. In the case of a minor who elects not to travel to the United States in pursuit of an order authorizing the abortion, the court may conduct the proceedings in the case of such application by telephone.

''(3) An application under this subsection shall be made under oath and include—

''(A) a statement that the minor is pregnant;

''(B) a statement that the minor is unmarried, is under 18 years of age, and has not had her disabilities removed;

''(C) a statement that the minor wishes to have an abortion without the notification of either of her parents or a managing conservator or guardian; and

''(D) a statement as to whether the minor has retained an attorney and, if she has retained an attorney, the name, address, and telephone number of her attorney.

''(4) The court shall appoint a guardian ad litem for the minor. If the minor has not retained an attorney, the court shall appoint an attorney to represent the minor. If the guardian ad litem is an attorney, the court may appoint the guardian ad litem to serve as the minor's attorney.

''(5) The court may appoint to serve as guardian ad litem for a minor—

''(A) a psychiatrist or an individual licensed or certified as a psychologist;

''(B) a member of the clergy;

''(C) a grandparent or an adult brother, sister, aunt, or uncle of the minor; or

''(D) another appropriate person selected by the court.

''(6) The court shall determine within 48 hours after the application is filed whether the minor is mature and sufficiently well-informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, whether notification would not be in the best interest of the minor, or whether notification may lead to physical, sexual, or emotional abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to physical, sexual, or emotional abuse of the minor, the court shall enter an order authorizing the minor to consent to the performance of the abortion without notification to either of her parents or a managing conservator or guardian and shall execute the required forms.

''(7) If the court fails to rule on the application within the period specified in paragraph (6), the application shall be deemed to be granted and the physician may perform the abortion as if the court had issued an order authorizing the minor to consent to the performance of the abortion without notification under subsection (c).

''(8) If the court finds that the minor does not meet the requirements of paragraph (6), the court may not authorize the minor to consent to an abortion without the notification authorized under subsection (c)(1).

''(9) The court may not notify a parent, managing conservator, or guardian that the minor is pregnant or that the minor wants to have an abortion. The court proceedings shall be conducted in a manner that protects the anonymity of the minor. The application and all other court documents pertaining to the proceedings are confidential and privileged and are not subject to disclosure, discovery, subpoena, or other legal process. The minor may file the application using a pseudonym or using only her initials.

''(10) An order of the court issued under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The order may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the order by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

''(11) A filing fee is not required of and court costs may not be assessed against a minor filing an application under this subsection.

''(e) APPEAL.—(1) A minor whose application under subsection (d) is denied may appeal to the court of appeals of the United States having jurisdiction of the district court of the United States that denied the application. If the court of appeals fails to rule on the appeal within 48 hours after the appeal is filed, the appeal shall be deemed to be granted and the physician may perform the abortion using facilities of the Department of Defense as if the court had issued an order authorizing the minor to consent to the performance of the abortion using facilities of the Department of Defense without notification under subsection (c). Proceedings under this subsection shall be given precedence over other pending matters to the extent necessary to assure that the court reaches a decision promptly.

''(2) A ruling of the court of appeals under this subsection is confidential and privileged and is not subject to disclosure, discovery, subpoena, or other legal process. The ruling may not be released to any person but the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's attorney, another person designated to receive the ruling by the minor, or a governmental agency or attorney in a criminal or administrative action seeking to assert or protect the interest of the minor.

''(3) A filing fee is not required of and court costs may not be assessed against a minor filing an appeal under this subsection.

''(f) DEFINITIONS.—In this section:

''(1) The term 'abortion' means the use of any means at a medical facility of the Department of Defense to terminate the pregnancy of a female known by an attending physician to be pregnant, with the intention that the termination of the pregnancy by those means will with reasonable likelihood cause the death of the fetus. The term applies only to an unemancipated minor known by an attending physician to be pregnant and may not be construed to limit a minor's access to contraceptives.

''(2) The term 'appropriate district court of the United States' means—

''(A) with respect to a proposed abortion at a particular Department of Defense medical facility in the United States or its territories, the district court of the United States having proper venue in relation to that facility; or

''(B) if the minor is seeking an abortion at a particular Department of Defense facility outside the United States or its territories—

''(i) if the minor elects to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States having proper venue in the district in which the minor first arrives from outside the United States; or

''(ii) if the minor elects not to travel to the United States in pursuit of an order authorizing the abortion, the district court of the United States for the district in which the minor last resided.

''(3) The term 'fetus' means an individual human organism from fertilization until birth.

''(4) The term 'guardian' means a court-appointed guardian of the person of the minor.

''(5) The term 'physician' means an individual licensed to practice medicine.

SA 3407. Mr. FRIST (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. USE OF DEPARTMENT OF DEFENSE FACILITIES FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(b) of title 10, United States Code, is amended by inserting before the period at the end the following: '', but only if the identity of the perpetrator of such act of incest is provided to a designated officer, at the time the abortion is sought, for transmission to the appropriate military or civilian law enforcement authorities, or, in the case of rape, only if the identity of the perpetrator of that act of rape, if known to the victim, is provided to a designated officer, at the time the abortion is sought, for transmission to the appropriate military or civilian law enforcement authorities''.

SA 3408. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. ASSURANCE OF ADEQUATE FUNDING FOR VETERANS HEALTH CARE.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 320. Assured funding for veterans health care

''(a) For each fiscal year, there is authorized to be appropriated to the Secretary of Veterans Affairs an amount determined under subsection (b) with respect to that fiscal year. Each such amount is authorized to remain available, without fiscal year limitation, for the programs, functions, and activities of the Veterans Health Administration, as specified in subsection (c).

''(b)(1) The authorized amount applicable to fiscal year 2005 under this subsection is the amount equal to 130 percent of the amount obligated by the Department during fiscal year 2003 for the purposes specified in subsection (c).

''(2) The authorized amount applicable to any fiscal year after fiscal year 2005 under this subsection is the amount equal to the product of the following:

''(A) The sum of—

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

''(ii) the number of persons eligible for health care under chapter 17 of this title who

are not covered by clause (i) and who were provided hospital care or medical services under such chapter at any time during the fiscal year preceding such fiscal year.

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

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

''(i) the amount specified in paragraph (1), divided by

''(ii) the number of veterans enrolled in the Department health care system under section 1705 of this title as of September 30, 2003.

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

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

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

''(c)(1) Except as provided in paragraph (2), the purposes for which amounts are authorized pursuant to subsection (a) shall be all programs, functions, and activities of the Veterans Health Administration.

''(2) Amounts authorized pursuant to subsection (a) are not available for—

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

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

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

''320. Assured funding for veterans health care.''.

''(b) For each fiscal year, the amount determined under subsection (b) with respect to that fiscal year shall be made available to the Secretary of Veterans Affairs subject to appropriations. The amount appropriated shall be mandatory spending.''.

SA 3409. Mr. DASCHLE submitted an amendment intended to be proposed to amendment SA 2400, submitted by Mr. GRASSLEY (for himself and Mr. BAUCUS) and intended to be proposed to the bill S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. FUNDING FOR VETERANS HEALTH CARE TO ADDRESS CHANGES IN POPULATION AND INFLATION.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section:

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

''(a) For each fiscal year, the Secretary of the Treasury shall make available to the Secretary of Veterans Affairs the amount determined under subsection (b) with respect to that fiscal year. Each such amount is available, without fiscal year limitation, for the programs, functions, and activities of the Veterans Health Administration, as specified in subsection (c).

''(b)(1) The amount applicable to fiscal year 2005 under this subsection is the amount equal to—

''(A) 130 percent of the amount obligated by the Department during fiscal year 2003 for the purposes specified in subsection (c), minus

''(B) the amount appropriated for those purposes for fiscal year 2004.

''(2) The amount applicable to any fiscal year after fiscal year 2005 under this subsection is the amount equal to the product of the following, minus the amount appropriated for the purposes specified for subsection (c) for fiscal year 2004:

''(A) The sum of—

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

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

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

''(3)(A) For purposes of paragraph (12)(B), the term 'per capita baseline amount' means the amount equal to—

''(i) the amount obligated by the Department during fiscal year 2004 for the purposes specified in subsection (c), divided by

''(ii) the number of veterans enrolled in the Department health care system under section 1705 of this title as of September 30, 2003.

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

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

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

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

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

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

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

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

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

SA 3410. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2. DEMONSTRATION PROGRAM FOR MILITARY INSTALLATIONS IN NEW JERSEY.

(a) REQUIREMENT FOR PROGRAM.—The Secretary of Defense shall carry out a demonstration program in the State of New Jersey, and in one or more additional States or regions selected by the Secretary, to develop and test policies, procedures, and practices that improve the level of security, reliability, quality, and economic efficiency of defense contractors and subcontractors used for construction, renovation, maintenance, and repair services on military installations.

(b) PROGRAM GOALS AND REQUIREMENTS.—The goals of the demonstration program under subsection (a) are to identify, develop, and implement strategies that—

(1) minimize risks to national security caused by failures to conduct full background checks on contractor personnel working on military installations;

(2) ensure that all necessary and reasonable precautions are taken by the Department of Defense and its contractors and subcontractors to conduct effective background checks and follow other appropriate security clearance procedures regarding contractor personnel (including management employees, professionals, craft labor personnel, and administrative personnel) to avoid the employment of persons who may pose a risk to military installations or otherwise present a threat to national security; and

(3) promote increased contracting opportunities for contractors and subcontractors offering effective, reliable staffing plans to perform Department of Defense contracts that ensure all contractor personnel employed for such projects (including management employees, professional employees, craft labor personnel, and administrative personnel) undergo effective background checks, are subjected to other appropriate security clearance procedures, and are properly qualified to perform services required under the contract.

(c) REQUIREMENTS FOR SECURITY PROCEDURES.—In developing and carrying out the demonstration program under subsection (a), the Secretary of Defense shall—

(1) review existing policies, procedures, and practices pertaining to security clearances required for access to military installations, including national agency checks, background investigations and other security clearance procedures;

(2) identify potential weaknesses and areas for improvement in existing security policies, procedures, and practices;

(3) develop and implement reforms to strengthen, upgrade, and improve security clearance policies, procedures, and practices of the Department of Defense and its contractors and subcontractors;

(4) utilize the social security number verification service of the Social Security Administration to review social security numbers of contractor and subcontractor personnel employed on military installations and to detect the use of false or fraudulent identification documents used by contract employees;

(5) cooperate with appropriate Federal, State and local agencies and authorities, including the Secretary of Homeland Security,

the United States Attorney for New Jersey, the New Jersey Motor Vehicles Commission, and the New Jersey State Police, as well as local communities, to detect and prosecute the use of false or fraudulent identification documents by contractor personnel employed on military installations;

(6) provide for the imposition of available sanctions (including criminal prosecution, civil penalties, and debarment) against any contractor who willfully or recklessly fails to conduct full background checks regarding contractor personnel who work at military installations; and

(7) provide for a review and analysis of reforms developed pursuant to this subsection in order to identify for purposes of national implementation those reforms that are most efficient and effective.

(d) REQUIREMENTS FOR CONTRACTING AND PROCUREMENT PROCEDURES.—In developing and carrying out the demonstration program, the Secretary of Defense shall—

(1) review existing policies, procedures, and practices pertaining to the manner in which it procures and contracts for construction, renovation, maintenance, and repair services for military installations;

(2) provide for expansion, to the maximum extent practicable, of the use by the Department of Defense of contracting by competitive proposals, regulated under part 15 of the Federal Acquisition Regulation, for construction, renovation, maintenance, and repair services for military installations;

(3) identify, develop, and implement reforms in the competitive proposal contracting process of the Department of Defense to improve the level of security, reliability, and economic efficiency of contractors and subcontractors used for construction, renovation, maintenance, and repair services on military installations, including—

(A) providing in contract solicitations and requests for proposal documents for significant weight or credit to be allocated to reliable, effective workforce security programs that are offered by prospective contractors and subcontractors, provide security clearance procedures, background checks, and other measures for contractor employees beyond the minimum security requirements imposed by the Secretary of Defense, and promote security on military installations; and

(B) providing in contract solicitations and requests for proposal documents for significant weight or credit to be allocated to reliable, effective project staffing plans that are offered by prospective contractors and subcontractors, specify for all contractor employees (including management employees, professionals, and craft labor personnel) the skills, training, and qualifications of such persons and the labor supply sources and hiring plans or procedures used for employing such personnel; and

(4) provide for a review and analysis of reforms developed pursuant to this subsection in order to identify for purposes of national implementation those reforms that are most efficient and effective.

(e) IMPLEMENTATION.—The Secretary of Defense shall commence the demonstration program under this section not later than 90 days after the date of the enactment of this Act.

(f) REPORTING REQUIREMENTS.—For the monitoring and evaluation of the progress of the demonstration program required under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(1) not later than 90 days after the commencement of the demonstration program, an initial report setting forth the reforms instituted and other progress made in the implementation of the demonstration program;

(2) semiannual reports setting forth in detail the reforms instituted and other progress made in the implementation of the program; and

(3) not later than 2 years after the commencement of the demonstration program, a final report setting forth a review of the demonstration program together with recommendations regarding nationwide implementation of the program.

(g) DEFINITION.—In this section, the term ''military installation'' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

SA 3411. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DATA-MINING REPORTING ACT OF 2003.

(a) SHORT TITLE.—This section may be cited as the ''Data-Mining Reporting Act of 2003''.

(b) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term ''data-mining'' means a query or search or other analysis of 1 or more electronic databases, where—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) the search does not use a specific individual's personal identifies to acquire information concerning that individual; and

(C) a department or agency of the Federal Government is conducting the query or search or other analysis to find a pattern indicating terrorist or other criminal activity.

(2) DATABASE.—The term ''database'' does not include telephone directories, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(c) REPORTS ON DATA-MINING ACTIVITIES.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency of the Federal Government that is engaged in any activity to use or develop data-mining technology shall each submit a public report to Congress on all such activities of the department or agency under the jurisdiction of that official.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that will be used.

(B) A thorough discussion of the plans for the use of such technology and the target dates for the deployment of the data-mining technology.

(C) An assessment of the likely efficacy of the data-mining technology in providing accurate and valuable information consistent with the stated plans for the use of the technology.

(D) An assessment of the likely impact of the implementation of the data-mining technology on privacy and civil liberties.

(E) A list and analysis of the laws and regulations that govern the information to be collected, reviewed, gathered, and analyzed with the data-mining technology and a description of any modifications of such laws that will be required to use the information in the manner proposed under such program.

(F) A thorough discussion of the policies, procedures, and guidelines that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected and used.

(G) A thorough discussion of the procedures allowing individuals whose personal information will be used in the data-mining technology to be informed of the use of their personal information and what procedures are in place to allow for individuals to opt out of the technology. If no such procedures are in place, a thorough explanation as to why not.

(H) Any necessary classified information in an annex that shall be available to the Committee on Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be—

(A) submitted not later than 90 days after the date of the enactment of this Act; and

(B) updated once a year and include any new data-mining technologies.

SA 3412. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. CLARIFICATION OF AVAILABILITY OF PRIVATE RIGHT OF ACTION FOR STATE VIOLATIONS OF UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT OF 1994.

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

(1) The Federal Government has an important interest in attracting and training a military to provide for the National defense. The Constitution grants Congress the power to raise and support an army for purposes of the common defense. The Nation's military readiness requires that all members of the Armed Forces, including those employed in State programs and activities, be able to serve without jeopardizing their civilian employment opportunities.

(2) The Uniformed Services Employment and Reemployment Rights Act of 1994, commonly referred to as ''USERRA'' and codified

as chapter 43 of title 38, United States Code, is intended to safeguard the reemployment rights of members of the uniformed services (as that term is defined in section 4303(16) of title 38, United States Code) and to prevent discrimination against any person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service. Effective enforcement of the Act depends on the ability of private individuals to enforce its provisions in court.

(3) In Seminole Tribe of Florida v. Florida, 517 U.S. 44 (1996), the Supreme Court held that congressional legislation enacted pursuant to the commerce clause of Article I, section 8, of the Constitution cannot abrogate the immunity of States under the 11th amendment to the Constitution. In addition, in Alden v. Maine 527 U.S. 706, 712 (1999), the Supreme Court held that this immunity also prohibits the Federal Government from subjecting ''non-consenting states to private suits for damages in state courts.'' Some courts have cited the sovereign immunity prinicples of Alden and Seminole Tribe to prohibit state employees from maintaining a private suit to enforce their USERRA rights. As a result, although USERRA specifically provides that a person may commence an action for relief against a State for its violation of that Act, persons harmed by State violations of that Act lack important remedies to vindicate the rights and benefits that are available to all other persons covered by that Act. Unless a State chooses to waive sovereign immunity, or the Attorney General brings an action on their behalf, persons affected by State violations of USERRA may have no adequate Federal remedy for such violations.

(4) A failure to provide a private right of action by persons affected by State violations of USERRA would leave vindication of their rights and benefits under that Act solely to Federal agencies, which may fail to take necessary and appropriate action because of administrative overburden or other reasons. Action by Congress to specify such a private right of action ensures that persons affected by State violations of USERRA have a remedy if they are denied their rights and benefits under that Act.

(b) CLARIFICATION OF RIGHT OF ACTION UNDER USERRA.—Section 4323 of title 38, United States Code, is amended—

(1) in subsection (b), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) In the case of an action against a State (as an employer) by a person, the action may be brought in a district court of the United States or State court of competent jurisdiction.'';

(2) by redesignating subsection (j) as subsection (k); and

(3) by inserting after subsection (i) the following new subsection (j):

''(j)(1)(A) A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th amendment to the Constitution or otherwise, to a suit brought by an employee of that program or activity under this chapter for the rights or benefits authorized the employee by this chapter.

''(B) In this paragraph, the term 'program or activity' has the meaning given the term in section 309 of the Age Discrimination Act of 1975 (42 U.S.C. 6107).

''(2) An official of a State may be sued in the official capacity of the official by any person covered by paragraph (1) who seeks injunctive relief against a State (as an employer) under subsection (e). In such a suit the court may award to the prevailing party those costs authorized by section 722 of the Revised Statutes (42 U.S.C. 1988).''.

SA 3413. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 281, line 10, strike ''and technology skills'' and insert '', technology skills, foreign language skills, and''.

On page 285, line 1, insert '', the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives'' after ''Representatives''.

On page 285, between lines 9 and 10, insert the following:

(g) CRITICAL HIRING NEED.—Section 3304(a)(3) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B)(i) the Office of Personnel Management has determined that there exists a severe shortage of candidates or there is a critical hiring need; or

''(ii) the candidate is a participant in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program under section 1101 of the National Defense Authorization Act for Fiscal Year 2005.''.

On page 285, line 9, strike ''(g)'' and insert ''(h)''.

SA 3414. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, insert the following:

SEC. 1107. FELLOWSHIPS FOR STUDENTS TO ENTER FEDERAL SERVICE.

(a) IN GENERAL.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by inserting after section 802 the following:

''SEC. 802a. FELLOWSHIPS FOR STUDENTS TO ENTER FEDERAL SERVICE.

''(a) DEFINITIONS.—In this section:

''(1) AGENCY.—The term 'agency' means the Department of Defense.

''(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given to such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(3) NATIONAL SECURITY POSITION.—The term 'national security position' means an employment position determined by the Board, in consultation with an agency, for the purposes of a program established under this section, to involve important homeland security or national applications.

''(b) IN GENERAL.—The Board shall establish and implement a program for the awarding of fellowships (to be known as 'National Security Fellowships') to undergraduate and graduate students who, in exchange for receipt of the fellowship, agree to employment with the Federal Government in a national security position. The Board may provide for the program to apply to, and be administered with respect to, 1 or more organizational units of an agency.

''(c) ELIGIBILITY.—To be eligible to participate in the program established under subsection (b), a student shall—

''(1) have been accepted into a undergraduate or graduate school program at an accredited institution of higher education within the United States and be pursuing or intend to pursue undergraduate or graduate education in the United States in the discipline of foreign languages that are critical areas of national security (as determined by the Board);

''(2) be a United States citizen, United States national, permanent legal resident, or citizen of the Freely Associated States; and

''(3) agree to employment with an agency or office of the Federal Government in a national security position.

''(d) SERVICE AGREEMENT.—In awarding a fellowship under the program under this section, the Board shall require the recipient to enter into an agreement under which, in exchange for such assistance, the recipient—

''(1) will maintain satisfactory academic progress (as determined in accordance with regulations issued by the Board) and provide regularly scheduled updates to the Board on the progress of their education and how their employment continues to relate to a national security objective of the Federal Government;

''(2) will, upon completion of such education, be employed by the agency for which the fellowship was awarded for a period of at least 3 years as specified by the Board; and

''(3) agrees that if the recipient is unable to meet either of the requirements described in paragraph (1) or (2), the recipient will reimburse the United States for the amount of the assistance provided to the recipient under the fellowship, together with interest at a rate determined in accordance with regulations issued by the Board, but not higher than the rate generally applied in connection with other Federal education loans.

''(e) FEDERAL EMPLOYMENT ELIGIBILITY.—If a recipient of a fellowship under this section demonstrates to the satisfaction of the Board that, after completing their education, the recipient is unable to obtain a national security position in the Federal Government because such recipient is not eligible for a security clearance or other applicable clearance necessary for such position, the Board may permit the recipient to fulfill the service obligation under the agreement under subsection (d) by working in a non-national security position in the agency, for a period of not less than 3 years, in the area of study for which the fellowship was awarded.

''(f) FELLOWSHIP SELECTION.—

''(1) IN GENERAL.—The Board shall consult with agencies in the selection and placement of national security fellows under this section.

''(2) FUNCTIONS.—The Board shall carry out the following functions:

''(A) Develop criteria for awarding fellowships under this section.

''(B) Provide for the wide dissemination of information regarding the activities assisted under this section.

''(C) Establish qualifications for students desiring fellowships under this section, including a requirement that the student have a demonstrated commitment to the study of the discipline for which the fellowship is to be awarded.

''(D) Provide for the establishment and semiannual update of a list of fellowship recipients, including an identification of their skills, who are available to work in a national security position.

''(E) Not later than 30 days after a fellowship recipient completes the study or education for which assistance was provided

under this section, work in conjunction with agencies to make reasonable efforts to hire and place the fellow in an appropriate national security position.

''(F) Review the administration of the program established under this section.

''(G) Develop and provide to Congress a strategic plan that identifies the skills needed by the Federal national security workforce and how the provisions of this Act, and related laws, regulations, and policies will be used to address such needs.

''(g) SPECIAL CONSIDERATION FOR CURRENT FEDERAL EMPLOYEES.—

''(1) SET ASIDE OF FELLOWSHIPS.—Twenty percent of the fellowships awarded under this section shall be set aside for Federal employees who are working in national security positions on the date of enactment of this section to enhance the education and training of such employees in areas important to national security.

''(2) FULL- OR PART-TIME EDUCATION.—Federal employees who are awarded fellowships under paragraph (1) shall be permitted to obtain advanced education under the fellowship on a full-time or part-time basis.

''(3) PART-TIME EDUCATION.—A Federal employee who pursues education or training under a fellowship under paragraph (1) on a part-time basis shall be eligible for a stipend in an amount which, when added to the employee's part-time compensation, does not exceed the amount described in subsection (i)(2).

''(h) AMOUNT OF AWARD.—A National Security Fellow who complies with the requirements of this section may receive funding under the fellowship for up to 3 years at an amount determined appropriate by the Board, but not to exceed the sum of—

''(1) the amount of tuition paid by the fellow; and

''(2) a stipend in an amount equal to the maximum stipend available to recipients of fellowships under section 10 of the National Science Foundation Act of 1950 (42 U.S.C. 1869) for the year involved.

''(i) CONSULTATION WITH CHIEF HUMAN CAPITAL OFFICERS.—The Board shall consult with the chief human capital officers of participating agencies in carrying out this section.

''(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to authorize the Board to determine national security positions for any other purpose other than to make such determinations as are required by this section in order to carry out the purposes of this section; and

''(2) as a basis for determining the exemption of any position from inclusion in a bargaining unit under chapter 71 of title 5, United States Code, or from the right of any incumbent of a national security position determined by the Board under this section, from entitlement to all rights and benefits under such chapter.

''(k) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of enabling the Board to provide for the recruitment and retention of highly qualified employees in national security positions, there are authorized to be appropriated $10,000,000 for fiscal year 2005, and such sums as may be necessary for each fiscal year thereafter.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended—

(1) in section 803(b)—

(A) by redesignating paragraphs (5) through (7) as paragraphs (7) through (9), respectively; and

(B) by inserting after paragraph (4) the following:

''(5) The Secretary of Homeland Security.

''(6) The Attorney General of the United States.'';

(2) in section 803(c), by striking ''subsection (b)(6)'' and inserting ''subsection (b)(8)'';

(3) in section 804(b)(1), by inserting '', including section 802a'' before the semicolon;

(4) by inserting after section 807, the following:

''SEC. 807a. NONAPPLICATION OF PROVISIONS TO CERTAIN STUDENT FELLOWSHIPS AND THE NATIONAL SECURITY SERVICE CORPS.

''Sections 805, 806, and 807 shall not apply with respect to section 802a.''; and

(5) in section 808(4), by striking ''The term'' and inserting ''Except as provided under section 802a, the term''.

(c) CRITICAL HIRING NEED.—Section 3304(a)(3) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B)(i) the Office of Personnel Management has determined that there exists a severe shortage of candidates or there is a critical hiring need; or

''(ii) the candidate is a participant in the national security fellowship program under section 802a of the David L. Boren National Security Education Act of 1991.''.

SA 3415. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 281, line 10, strike ''and technology skills'' and insert '', technology skills, foreign language skills, and''.

On page 285, line 1, insert '', the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives'' after ''Representatives''.

On page 285, between lines 9 and 10, insert the following:

(g) CRITICAL HIRING NEED.—Section 3304(a)(3) of title 5, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B)(i) the Office of Personnel Management has determined that there exists a severe shortage of candidates or there is a critical hiring need; or

''(ii) the candidate is a participant in the Science, Mathematics, and Research for Transformation (SMART) Defense Scholarship Pilot Program under section 1101 of the National Defense Authorization Act for Fiscal Year 2005.''.

On page 285, line 9, strike ''(g)'' and insert ''(h)''.

SA 3416. Mr. REID (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2826 and insert the following:

SEC. 2826. TRANSFER OF JURISDICTION, NEBRASKA AVENUE NAVAL COMPLEX, DISTRICT OF COLUMBIA.

(a) TRANSFER REQUIRED.—The Secretary of the Navy shall transfer to the jurisdiction, custody, and control of the Administrator of General Services the parcel of Department of the Navy real property in the District of Columbia known as the Nebraska Avenue Complex for the purpose of permitting the Administrator to use the Complex to accommodate the Department of Homeland Security. The Complex shall be transferred in its existing condition.

(b) AUTHORITY TO RETAIN MILITARY FAMILY HOUSING.—The Secretary of the Navy may retain jurisdiction, custody, and control over the portion of the Complex that the Secretary considers to be necessary for continued use as Navy family housing.

(c) TIME FOR TRANSFER.—The transfer of jurisdiction, custody, and control over the Complex to the Administrator under subsection (a) shall be completed not later than January 1, 2005.

(d) RELOCATION OF NAVY ACTIVITIES.—As part of the transfer of the Complex under this section, the Secretary of the Navy shall relocate Department of the Navy activities at the Complex to other locations.

(e) PAYMENT OF RELOCATION COSTS.—Subject to the availability of appropriations for this purpose—

(1) the Secretary of Homeland Security shall be responsible for the payment of all reasonable costs related to the initial relocation of Department of the Navy activities from the Complex, including costs to move furnishings and equipment, and all reasonable costs incidental to initial occupancy of interim leased space (including rent for the first year); and

(2) the Administrator of General Services shall pay any reasonable costs for interim leasing of space beyond the first year until Department of the Navy activities have occupied new permanent Department of Defense-controlled space, and any additional reasonable costs not paid under subsection (e)(1) that are incurred, or will be incurred, by the Secretary of the Navy to permanently relocate Department of the Navy activities from the Complex under subsection (d).

(f) SUBMISSION OF COST ESTIMATES.—As soon as practicable after the date of the enactment of this Act, but not later than January 1, 2005, the Secretary of the Navy shall submit to the congressional defense committees an initial estimate of the amounts that will be necessary to cover the costs to permanently relocate Department of the Navy activities from the Complex. The Secretary shall include in the estimate anticipated land acquisition and facility construction costs. The Secretary shall revise the estimate as necessary whenever information regarding the actual costs for the relocation is obtained.

(g) CERTIFICATION OF RELOCATION COSTS.—At the end of the five-year period beginning on the date of the transfer of the Complex under subsection (a), the Secretary of the Navy shall submit to Congress written notice—

(1) specifying the total amount expended under subsection (e) to cover the costs of relocating Department of the Navy activities from the Complex;

(2) specifying the total amount expended to acquire permanent facilities for Department of the Navy activities relocated from the Complex; and

(3) certifying whether the amounts paid are sufficient to complete all relocation actions.

(h) PARTICIPATION OF OFFICE OF MANAGEMENT AND BUDGET.—The Secretary of the

Navy shall obtain the assistance and concurrence of the Director of the Office of Management and Budget in determining the total amount required to cover both the initial and the permanent costs of relocating Department of the Navy activities from the Complex under this section.

SA 3417. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. SENSE OF THE SENATE CONCERNING OIL MARKETS.

(a) FINDINGS.—Congress finds that—

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of American families, the potential for national economic recovery, and the economic security of the United States;

(2) on Friday, May 7, 2004, crude oil prices reached a 13-year high of $40 per barrel, the weighted national average retail price of gasoline was $1.96 per gallon, and the average retail price of gasoline has broken all-time record highs for 2 consecutive months;

(3) despite the fact that crude oil prices were already approaching record highs, the Organization of Petroleum Exporting Countries (OPEC) announced on April 1, 2004, its commitment to reduce oil production by 1,000,000 barrels per day;

(4) the Strategic Petroleum Reserve (SPR) was created to enhance the physical and economic security of the United States, and the law allows the SPR to be used to provide relief when oil and gasoline supply shortages cause economic hardship;

(5) the proper management of the resources of the SPR could provide gasoline price relief to American families and provide the United States with a tool to counterbalance OPEC supply management policies;

(6) it has been reported that the Administration's current policy of filling the SPR at a rate of hundreds of thousands of barrels per day, despite the fact that the SPR is more than 94 percent full, has contributed to record high gasoline contract prices on the New York Mercantile Exchange;

(7) in order to combat high gasoline prices during the summer and fall of 2000, President Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline;

(8) the Administration has failed to manage the SPR in a manner that would provide gasoline price relief to working families; and

(9) the Administration has failed to adequately demand that OPEC immediately increase oil production in order to lower crude oil prices and safeguard the world economy.

(b) SENSE OF THE SENATE CONCERNING OIL MARKETS.—It is the sense of the Senate that—

(1) the President should directly confront OPEC and challenge OPEC to immediately increase oil production;

(2) the President should direct the Federal Trade Commission and Attorney General to exercise vigorous oversight over the oil markets to protect the American people from price gouging and unfair practices at the gasoline pump; and

(3) to lower the burden of gasoline prices on the American economy and to circumvent OPEC's efforts to reap windfall crude oil profits, the President should suspend deliveries of oil to the SPR and release 1,000,000 barrels of oil per day from the SPR for 30 days following the date of adoption of this resolution, and if necessary, for an additional 30 days beyond that.

SA 3418. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. SENSE OF THE SENATE CONCERNING OIL MARKETS.

(a) FINDINGS.—Congress finds that—

(1) the prices of gasoline and crude oil have a direct and substantial impact on the financial well-being of American families, the potential for national economic recovery, and the economic security of the United States;

(2) on Friday, May 7, 2004, crude oil prices reached a 13-year high of $40 per barrel, the weighted national average retail price of gasoline was $1.96 per gallon, and the average retail price of gasoline has broken all-time record highs for 2 consecutive months;

(3) despite the fact that crude oil prices were already approaching record highs, the Organization of Petroleum Exporting Countries (OPEC) announced on April 1, 2004, its commitment to reduce oil production by 1,000,000 barrels per day;

(4) the Strategic Petroleum Reserve (SPR) was created to enhance the physical and economic security of the United States, and the law allows the SPR to be used to provide relief when oil and gasoline supply shortages cause economic hardship;

(5) the proper management of the resources of the SPR could provide gasoline price relief to American families and provide the United States with a tool to counterbalance OPEC supply management policies;

(6) it has been reported that the Administration's current policy of filling the SPR at a rate of hundreds of thousands of barrels per day, despite the fact that the SPR is more than 94 percent full, has contributed to record high gasoline contract prices on the New York Mercantile Exchange;

(7) in order to combat high gasoline prices during the summer and fall of 2000, President Clinton released 30,000,000 barrels of oil from the SPR, stabilizing the retail price of gasoline;

(8) the Administration has failed to manage the SPR in a manner that would provide gasoline price relief to working families; and

(9) the Administration has failed to adequately demand that OPEC immediately increase oil production in order to lower crude oil prices and safeguard the world economy.

(b) SENSE OF THE SENATE CONCERNING OIL MARKETS.—It is the sense of the Senate that—

(1) the President should directly confront OPEC and challenge OPEC to immediately increase oil production;

(2) the President should direct the Federal Trade Commission and Attorney General to exercise vigorous oversight over the oil markets to protect the American people from price gouging and unfair practices at the gasoline pump; and

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SA 3419. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—AUTHORIZED USES OF FORCE IN IRAQ

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Authorization for Multilateral Iraq Stabilization Force Act of 2004''.

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) On October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243).

(2) On March 19, 2003, the United States Armed Forces commenced military operations against the authoritarian regime of Saddam Hussein.

(3) More than 225,000 members of the United States Armed Forces, and thousands more troops from coalition countries, carried out Operation Iraqi Freedom with courage and determination, swiftly defeating the enemy on the battlefield.

(4) The regime of Saddam Hussein fell on April 11, 2003, creating an opportunity for the Iraqi people to build a government free from despotism.

(5) On May 1, 2003, the President announced an end to major combat operations, signaling the beginning of the transition to an Iraq that is free from the tyranny of Saddam Hussein.

(6) On May 8, 2003, the United States and the United Kingdom, by a letter to the President of the United Nations Security Council, recognized their specific authorities, responsibilities, and obligations in Iraq under international law as occupying powers under unified command.

(7) The situation in Iraq has remained extremely dangerous since the end of major combat operations in Iraq, and violence has claimed the lives of hundreds of members of the United States Armed Forces and unknown numbers of Iraqi civilians.

(8) On June 30, 2004, the restoration of Iraq sovereignty and the end of the occupation government means that the status of the United States-led military coalition has changed, and its continued presence in Iraq will be subject to the consent of the Iraq government, the mandate of the United Nations Security Council, or both.

(9) The Prime Minister, the President, and the Foreign Minister of Iraq, who have been chosen to lead the interim Iraq government, have all cited the need for the continued presence in Iraq of the United States-led coalition and the approval of a new United Nations Security Council resolution with a mandate for a multinational force to assist in stabilizing Iraq.

(10) There is a need for Congress to enact a new authorization for the use of the United States Armed Forces in Iraq to recognize the restoration of Iraq sovereignty and the end of the occupation government of Iraq, and to send a message to the people of Iraq that the United States does not desire to maintain a military presence in Iraq for any longer than necessary.

(11) The Constitution provides that the President shall serve as Commander in Chief

of the Army and Navy, but also that Congress has ultimate authority, under Article I, Section 8, over the power to declare war and authorize the use of military force.

SEC. 1303. CONGRESSIONAL POLICY ON THE GOVERNMENT OF IRAQ.

Congress—

(1) supports the transfer planned for June 30, 2004, of the governing authority in Iraq from the Coalition Provisional Authority to a newly constituted Iraq government;

(2) endorses the sovereignty of a new Iraq government that has the broad support of the Iraqi people, planned to take office on that date;

(3) encourages the United Nations to work with the interim Iraq government to promote the process for holding free and democratic elections to establishs a constitutional Iraq government; and

(4) supports the adoption of a United Nations Security Council resolution that—

(A) supports the planned transfer of governing authority in Iraq; and

(B) authorizes a multinational force, of a substantially multinational character under unified command, to assist in securing Iraq; and

(5) encourages the North Atlantic Council, the North Atlantic Treaty Organization (NATO) member countries, and other countries to commit to provide increase support to assist Iraq authorities in providing security and stability in Iraq, including the deployment of additional troops for such efforts.

SEC. 1304. AUTHORIZATION FOR MULTILATERAL IRAQ STABILIZATION FORCE.

(a) AUTHORIZATION.—The President is authorized to use the United States Armed Forces on and after July 1, 2004, to participate in a multinational force created under United Nations Security Council resolution 1547 to assist Iraq authorities in providing security and stability in Iraq.

(b) SUNSET OF AUTHORITY.—The authority in subsection (a) shall expire on July 1, 2006, unless—

(1) the President determines and certifies to Congress that an extension of the use of force authority in subsection (a) is required for the purposes of national security; or

(2) Congress enacts an Act providing for the termination of the authority.

(c) LIMITATION ON PLACEMENT OF MEMBERS OF THE ARMED FORCES OUTSIDE UNITED STATES CHAIN OF COMMAND.—No member of the United States Armed Forces deployed under the authority in subsection (a) may be placed outside the chain of command of the United States Armed Forces unless the President certifies to Congress that the national security interests of the United States require the placement of such member outside such chain of command.

(d) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

(e) CONSTRUCTION OF AUTHORITY.—Nothing in this title shall be construed to authorize the use of the United States Armed Forces to carry out offensive combat operations in any country other than Iraq.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The authority in subsection (a) shall supersede any prior authorization for the use of the United States Armed Forces in or against Iraq, effective July 1, 2004.

SEC. 1305. SENSE OF CONGRESS ON UNITED STATES POLICIES TOWARD IRAQ.

It is the sense of Congress that—

(1) the end of the regime of Saddam Hussein presents an opportunity for the Iraqi people to build a new government;

(2) the United States should reassess its laws and policies that were intended to apply to the government of Saddam Hussein, to determine whether those laws and policies should still apply to a new government in Iraq;

(3) the crimes of Saddam Hussein's government should not be forgotten, but that the new authorities in Iraq should be afforded a fresh start to establish a government under principles consistent with international standards of behavior; and

(4) the President should work with the United Nations Security Council to effect the sunset of prior Security Council resolutions that placed punitive obligations upon the government of Saddam Hussein, so as to insure that a new Iraqi government is not unfairly burdened or prejudiced by the actions of the prior regime.

SEC. 1306. REPORTS.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a report on matters related to the use of force under the authorization in section 1304.

(b) ELEMENTS.—Each report under subsection (a) shall include—

(1) an assessment of the capability of Iraq authorities to achieve full sovereignty, including responsibility for security;

(2) an assessment of the state of Iraq security forces, including military, police, and civil defense forces, and a detailed, updated plan for training such forces;

(3) an accounting of foreign forces and international organizations assisting in the stabilization of Iraq, and the amount and type of any assistance provided to facilitate the participation of such forces in such efforts;

(4) a review of developments relating to efforts to achieve additional contributions of troops from foreign countries for the stabilization of Iraq; and

(5) an assessment of developments relating to preparations for elections in Iraq, including information on any potential delays in the schedule for such elections.

SA 3420. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—AUTHORIZED USES OF FORCE IN IRAQ

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Authorization for Multilateral Iraq Stabilization Force Act of 2004''.

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) On October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243).

(2) On March 19, 2003, the United States Armed Forces commenced military operations against the authoritarian regime of Saddam Hussein.

(3) More than 225,000 members of the United States Armed Forces, and thousands more troops from coalition countries, carried out Operation Iraqi Freedom with courage and determination, swiftly defeating the enemy on the battlefield.

(4) The regime of Saddam Hussein fell on April 11, 2003, creating an opportunity for the Iraqi people to build a government free from despotism.

(5) On May 1, 2003, the President announced an end to major combat operations, signaling the beginning of the transition to an Iraq that is free from the tyranny of Saddam Hussein.

(6) On May 8, 2003, the United States and the United Kingdom, by a letter to the President of the United Nations Security Council, recognized their specific authorities, responsibilities, and obligations in Iraq under international law as occupying powers under unified command.

(7) The situation in Iraq has remained extremely dangerous since the end of major combat operations in Iraq, and violence has claimed the lives of hundreds of members of the United States Armed Forces and unknown numbers of Iraqi civilians.

(8) On June 30, 2004, the restoration of Iraq sovereignty and the end of the occupation government means that the status of the United States-led military coalition has changed, and its continued presence in Iraq will be subject to the consent of the Iraq government, the mandate of the United Nations Security Council, or both.

(9) The Prime Minister, the President, and the Foreign Minister of Iraq, who have been chosen to lead the interim Iraq government, have all cited the need for the continued presence in Iraq of the United States-led coalition and the approval of a new United Nations Security Council resolution with a mandate for a multinational force to assist in stabilizing Iraq.

(10) There is a need for Congress to enact a new authorization for the use of the United States Armed Forces in Iraq to recognize the restoration of Iraq sovereignty and the end of the occupation government of Iraq, and to send a message to the people of Iraq that the United States does not desire to maintain a military presence in Iraq for any longer than necessary.

(11) The Constitution provides that the President shall serve as Commander in Chief of the Army and Navy, but also that Congress has ultimate authority, under Article I, Section 8, over the power to declare war and authorize the use of military force.

SEC. 1303. CONGRESSIONAL POLICY ON THE GOVERNMENT OF IRAQ.

Congress—

(1) supports the transfer planned for June 30, 2004, of the governing authority in Iraq from the Coalition Provisional Authority to a newly constituted Iraq government;

(2) endorses the sovereignty of a new Iraq government that has the broad support of the Iraqi people, planned to take office on that date;

(3) encourages the United Nations to work with the interim Iraq government to promote the process for holding free and democratic elections to establish a constitutional Iraq government; and

(4) supports the adoption of a United Nations Security Council resolution that—

(A) supports the planned transfer of governing authority in Iraq; and

(B) authorizes a multinational force, of a substantially multinational character under unified command, to assist in securing Iraq; and

(5) encourages the North Atlantic Council, the North Atlantic Treaty Organization (NATO) member countries, and other countries to commit to provide increase support

to assist Iraq authorities in providing security and stability in Iraq, including the deployment of additional troops for such efforts.

SEC. 1304. AUTHORIZATION FOR MULTILATERAL IRAQ STABILIZATION FORCE.

(a) AUTHORIZATION.—The President is authorized to use the United States Armed Forces on and after July 1, 2004, to participate in a multinational force created under a new United Nations Security Council resolution 1546 to assist Iraq authorities in providing security and stability in Iraq.

(b) SUNSET OF AUTHORITY.—The authority in subsection (a) shall expire on July 1, 2006, unless—

(1) the President determines and certifies to Congress that an extension of the use of force authority in subsection (a) is required for the purposes of national security; or

(2) Congress enacts an Act providing for the termination of the authority.

(c) LIMITATION ON PLACEMENT OF MEMBERS OF THE ARMED FORCES OUTSIDE UNITED STATES CHAIN OF COMMAND.—No member of the United States Armed Forces deployed under the authority in subsection (a) may be placed outside the chain of command of the United States Armed Forces unless the President certifies to Congress that the national security interests of the United States require the placement of such member outside such chain of command.

(d) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

(e) CONSTRUCTION OF AUTHORITY.—Nothing in this title shall be construed to authorize the use of the United States Armed Forces to carry out offensive combat operations in any country other than Iraq.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The authority in subsection (a) shall supersede any prior authorization for the use of the United States Armed Forces in or against Iraq, effective July 1, 2004.

SEC. 1305. SENSE OF CONGRESS ON UNITED STATES POLICIES TOWARD IRAQ.

It is the sense of Congress that—

(1) the end of the regime of Saddam Hussein presents an opportunity for the Iraqi people to build a new government;

(2) the United States should reassess its laws and policies that were intended to apply to the government of Saddam Hussein, to determine whether those laws and policies should still apply to a new government in Iraq;

(3) the crimes of Saddam Hussein's government should not be forgotten, but that the new authorities in Iraq should be afforded a fresh start to establish a government under principles consistent with international standards of behavior; and

(4) the President should work with the United Nations Security Council to effect the sunset of prior Security Council resolutions that placed punitive obligations upon the government of Saddam Hussein, so as to insure that a new Iraqi government is not unfairly burdened or prejudiced by the actions of the prior regime.

SEC. 1306. REPORTS.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a report on matters related to the use of force under the authorization in section 1304.

(b) ELEMENTS.—Each report under subsection (a) shall include—

(1) an assessment of the capability of Iraq authorities to achieve full sovereignty, including responsibility for security;

(2) an assessment of the state of Iraq security forces, including military, police, and civil defense forces, and a detailed, updated plan for training such forces;

(3) an accounting of foreign forces and international organizations assisting in the stabilization of Iraq, and the amount and type of any assistance provided to facilitate the participation of such forces in such efforts;

(4) a review of developments relating to efforts to achieve additional contributions of troops from foreign countries for the stabilization of Iraq; and

(5) an assessment of developments relating to preparations for elections in Iraq, including information on any potential delays in the schedule for such elections.

SA 3421. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—AUTHORIZED USES OF FORCE IN IRAQ

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Authorization for Multilateral Iraq Stabilization Force Act of 2004''.

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) On October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243).

(2) On March 19, 2003, the United States Armed Forces commenced military operations against the authoritarian regime of Saddam Hussein.

(3) More than 225,000 members of the United States Armed Forces, and thousands more troops from coalition countries, carried out Operation Iraqi Freedom with courage and determination, swiftly defeating the enemy on the battlefield.

(4) The regime of Saddam Hussein fell on April 11, 2003, creating an opportunity for the Iraqi people to build a government free from despotism.

(5) On May 1, 2003, the President announced an end to major combat operations, signaling the beginning of the transition to an Iraq that is free from the tyranny of Saddam Hussein.

(6) On May 8, 2003, the United States and the United Kingdom, by a letter to the President of the United Nations Security Council, recognized their specific authorities, responsibilities, and obligations in Iraq under international law as occupying powers under unified command.

(7) The situation in Iraq has remained extremely dangerous since the end of major combat operations in Iraq, and violence has claimed the lives of hundreds of members of the United States Armed Forces and unknown numbers of Iraqi civilians.

(8) On June 30, 2004, restoration of Iraq sovereignty and the end of the occupation government means that the status of the United States-led military coalition has changed, and its continued presence in Iraq will be subject to the consent of the Iraq government, the mandate of the United Nations Security Council, or both.

(9) The Prime Minister, the President, and the Foreign Minister of Iraq, who have been chosen to lead the interim Iraq government, have all cited the need for the continued presence in Iraq of the United States-led coalition and the approval of a new United Nations Security Council resolution with a mandate for a multinational force to assist in stabilizing Iraq.

(10) There is a need for Congress to enact a new authorization for the use of the United States Armed Forces in Iraq to recognize the restoration of Iraq sovereignty and the end of the occupation government of Iraq, and to send a message to the people of Iraq that the United States does not desire to maintain a military presence in Iraq for any longer than necessary.

(11) The Constitution provides that the President shall serve as Commander in Chief of the Army and Navy, but also that Congress has ultimate authority, under Article I, Section 8, over the power to declare war and authorize the use of military force.

SEC. 1303. CONGRESSIONAL POLICY ON THE GOVERNMENT OF IRAQ.

Congress—

(1) supports the transfer planned for June 30, 2004, of the governing authority in Iraq from the Coalition Provisional Authority to a newly constituted Iraq government;

(2) endorses the sovereignty of a new Iraq government that has the broad support of the Iraqi people, planned to take office on that date;

(3) encourages the United Nations to work with the interim Iraq government to promote the process for holding free and democratic elections to establish a constitutional Iraq government; and

(4) supports the adoption of a United Nations Security Council resolution that—

(A) supports the planned transfer of governing authority in Iraq; and

(B) authorizes a multinational force, of a substantially multinational character under unified command, to assist in securing Iraq; and

(5) encourages the North Atlantic Council, the North Atlantic Treaty Organization (NATO) member countries, and other countries to commit to provide increase support to assist Iraq authorities in providing security and stability in Iraq, including the deployment of additional troops for such efforts.

SEC. 1304. AUTHORIZATION FOR MULTILATERAL IRAQ STABILIZATION FORCE.

(a) AUTHORIZATION.—The President is authorized to use the United States Armed Forces on and after July 1, 2004, to participate in a multinational force created under a new United Nations Security Council resolution 1546 to assist Iraq authorities in providing security and stability in Iraq.

(b) SUNSET OF AUTHORITY.—The authority in subsection (a) shall expire when—

(1) the President determines and certifies to Congress that Iraq forces have assumed authority for security in Iraq;

(2) the President determines and certifies to Congress that foreign military forces or international organizations have assumed responsibility for stabilization efforts in Iraq;

(3) the President determines and certifies to Congress that the Iraq government has requested that United States forces or the United Nations-created multinational force withdraw from Iraq; or

(4) Congress enacts an act providing for the termination of the authority.

(c) LIMITATION ON PLACEMENT OF MEMBERS OF THE ARMED FORCES OUTSIDE UNITED STATES CHAIN OF COMMAND.—No member of the United States Armed Forces deployed under the authority in subsection (a) may be placed outside the chain of command of the United States Armed Forces unless the President certifies to Congress that the national security interests of the United States require the placement of such member outside such chain of command.

(d) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

(e) CONSTRUCTION OF AUTHORITY.—Nothing in this title shall be construed to authorize the use of the United States Armed Forces to carry out offensive combat operations in any country other than Iraq.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The authority in subsection (a) shall supersede any prior authorization for the use of the United States Armed Forces in or against Iraq, effective July 1, 2004.

SEC. 1305. SENSE OF CONGRESS ON UNITED STATES POLICIES TOWARD IRAQ.

It is the sense of Congress that—

(1) the end of the regime of Saddam Hussein presents an opportunity for the Iraqi people to build a new government;

(2) the United States should reassess its laws and policies that were intended to apply to the government of Saddam Hussein, to determine whether those laws and policies should still apply to a new government in Iraq;

(3) the crimes of Saddam Hussein's government should not be forgotten, but that the new authorities in Iraq should be afforded a fresh start to establish a government under principles consistent with international standards of behavior; and

(4) the President should work with the United Nations Security Council to effect the sunset of prior Security Council resolutions that placed punitive obligation supon the government of Saddam Hussein, so as to insure that a new Iraqi government is not unfairly burdened or prejudiced by the actions of the prior regime.

SEC. 1306. REPORTS.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a report on matters related to the use of force under the authorization in section 1304.

(b) ELEMENTS.—Each report under subsection (a) shall include—

(1) an assessment of the capability of Iraq authorities to achieve full sovereignty, including responsibility for security;

(2) an assessment of the state of Iraq security forces, including military, police, and civil defense forces, and a detailed, updated plan for training such forces;

(3) an accounting of foreign forces and international organizations assisting in the stabilization of Iraq, and the amount and type of any assistance provided to facilitate the participation of such forces in such efforts;

(4) a review of developments relating to efforts to achieve additional contributions of troops from foreign countries for the stabilization of Iraq; and

(5) an assessment of developments relating to preparations for elections in Iraq, including information on any potential delays in the schedule for such elections.

SA 3422. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—BENEFITS FOR RESERVES ON EXTENDED TOURS OF ACTIVE DUTY

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Guard and Reserve Enhanced Benefits Act of 2004''.

Subtitle A—Family Assistance Benefits

SEC. 1311. MILITARY FAMILY LEAVE.

(a) GENERAL REQUIREMENTS FOR LEAVE.—

(1) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

''(14) ACTIVE DUTY.—The term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

''(15) QUALIFIED MEMBER.—The term 'qualified member' means a member of the reserve components on active duty for a period of more than 30 days.''.

(2) ENTITLEMENT TO LEAVE.—Section 102(a)(1) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(E) Because the spouse, son, daughter, or parent of the employee is a qualified member.''.

(3) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: ''Leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.''.

(4) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by striking ''(A), (B), or (C)'' and inserting ''(A), (B), (C), or (E)''.

(5) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

''(3) NOTICE FOR MILITARY FAMILY LEAVE.—In any case in which an employee seeks leave under subsection (a)(1)(E), the employee shall provide such notice as is practicable.''.

(6) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR MILITARY FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(1)(E) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

(b) MILITARY FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.—

(1) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(A) in paragraph (5), by striking ''and'' at the end;

(B) in paragraph (6), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(7) the term 'active duty' means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code; and

''(8) the term 'qualified member' means a member of the reserve components on active duty for a period of more than 30 days.''.

(2) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

''(E) Because the spouse, son, daughter, or parent of the employee is a qualified member.''.

(3) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: ''Leave under subsection (a)(1)(E) may be taken intermittently or on a reduced leave schedule.''.

(4) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by striking ''(A), (B), (C), or (D)'' and inserting ''(A), (B), (C), (D), or (E)''.

(5) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

''(3) In any case in which an employee seeks leave under subsection (a)(1)(E), the employee shall provide such notice as is practicable.''.

(6) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(1)(E) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

SEC. 1312. CHILD CARE FOR MILITARY DEPENDENTS.

(a) IN GENERAL.—The Secretary of Defense shall permit the children of covered members of the Reserves to attend military child development centers and participate in child care and development programs and activities under subchapter II of chapter 88 of title 10, United States Code, and other applicable provisions of law, to the same extent, and subject to the same terms and conditions, as children of members of the Armed Forces in the regular components are permitted to attend such centers and participate in such programs and activities.

(b) CHILD CARE FOR CHILDREN WITHOUT ACCESS TO MILITARY CHILD DEVELOPMENT CENTERS.—(1) In any case where the children of a covered member of the Reserves who are geographically dispersed and do not have practical access to a military child development center, the Secretary shall satisfy the requirement in subsection (a) with such funds as are necessary to permit the member's family to secure access for such children to child care and development programs and activities in the private sector that are similar in scope and quality to the child care and development programs and activities the Secretary would otherwise provide access to under that subsection.

(2) Funds may be provided under this subsection in accordance with the provisions of section 1798 of title 10, United States Code, or by such other mechanism as the Secretary considers appropriate.

(c) PRESERVATION OF SERVICES AND PROGRAMS.—The Secretary shall provide for the attendance and participation of children in military child development centers and child care and development programs and activities under this section in a manner that preserves the scope and quality of child care and development programs and activities otherwise provided by the Secretary.

(d) FUNDING.—Amounts available to the Department of Defense and the military departments for operation and maintenance shall be available for the costs of the attendance and participation of children in military child development centers and child care and development programs and activities under this section.

(e) DEFINITIONS.—In this section:

(1) The term ''covered members of the Reserves'' means members of the Armed Forces

who are called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) The term ''military child development center'' has the meaning given such term in section 1800(1) of title 10, United States Code.

Subtitle B—Education Benefits

PART I—MONTGOMERY GI BILL BENEFITS

SEC. 1321. BASIC EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE SERVING EXTENDED OR RECURRING PERIODS ON ACTIVE DUTY.

(a) ENTITLEMENT.—(1) Subsection (a)(1) of section 3011 of title 38, United States Code, is amended—

(A) in subparagraph (B), by striking ''or'' at the end;

(B) in subparagraph (C), by adding ''or'' at the end; and

(C) by adding at the end the following new subparagraph:

''(D) after September 11, 2001, while a member of the Selected Reserve—

''(i) serves at least 12 months of continuous active duty in the Armed Forces; or

''(ii) during any 60-month period, serves an aggregate of 24 months of continuous active duty in the Armed Forces;''.

(2) Subsection (d)(3) of such section is amended by striking ''The period of service'' and inserting ''Except in the case of an individual described in subsection (a)(1)(D), the period of service''.

(b) EXCLUSION FROM CONTRIBUTIONS FOR INCREASED ASSISTANCE.—Subsection (e)(1) of such section is amended by inserting ''(other than an individual described in subsection (a)(1)(D)'' after ''Any individual''.

(c) AMOUNT OF ASSISTANCE.—Section 3015(a) of such title is amended by inserting after ''three years'' the following: ''or an individual whose service on active duty on which such entitlement is based is described in clause (i) or (ii) of section 3011(a)(1)(D) of this title''.

SEC. 1322. INCREASE IN AMOUNT OF EDUCATIONAL ASSISTANCE FOR MEMBERS OF SELECTED RESERVE.

(a) INCREASE IN AMOUNTS.—Section 16131(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''$251'' and inserting ''$400'';

(2) in subparagraph (B), by striking ''$188'' and inserting ''$300''; and

(3) in subparagraph (C), by striking ''$125'' and inserting ''$200''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to monthly rates of educational assistance for months beginning on or after that date.

SEC. 1323. MODIFICATION OF TIME LIMITATION FOR USE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE OF MEMBERS OF SELECTED RESERVE.

Section 16133(a)(2) of title 10, United States Code, is amended—

(1) by inserting ''that is five years after the date'' after ''on the date''; and

(2) by striking ''first'' and inserting ''later''.

PART II—OTHER EDUCATION BENEFITS

SEC. 1326. STUDENT LOAN DEFERMENTS.

(a) FFEL AND DIRECT SUBSIDIZED LOANS.—Section 428(b)(1)(M) of the Higher Education Act of 1965 (20 U.S.C. 1078(b)(1)(M)) is amended—

(1) in clause (ii), by striking ''or'' after the semicolon;

(2) in clause (iii), by inserting ''or'' after the semicolon; and

(3) by inserting after clause (iii) the following:

''(iv) during which the borrower is a member of the reserve components of the Armed Forces on active duty for a period of more than 30 days under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, and for 3 months following discharge or release from such active duty.''.

(b) CONSOLIDATION LOANS.—Section 428C(b)(4)(C)(ii) of the Higher Education Act of 1965 (20 U.S.C. 1078–3(b)(4)(C)(ii)) is amended—

(1) in subclause (II), by striking ''or'' after the semicolon;

(2) in subclause (III), by striking ''or (II)'' and inserting '', (II) or (III)'';

(3) by redesignating subclause (III) (as so amended) as subclause (IV); and

(4) by inserting after subclause (II) the following:

''(III) by the Secretary, in the case of a consolidation loan of a student who is on an active duty deferment under section 428(b)(1)(M)(iv); or''.

(c) FFEL AND DIRECT UNSUBSIDIZED LOANS.—Section 428H(e)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(e)(2)) is amended by adding at the end the following:

''(C) Notwithstanding subparagraph (A), interest on loans made under this section for which payments of principal are deferred because the student is on an active duty deferment under section 428(b)(1)(M)(iv) shall be paid by the Secretary.''.

(d) PERKINS LOANS.—Section 464(c)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1087dd(c)(2)(A)) is amended—

(1) in clause (iii), by striking ''or'' after the semicolon;

(2) in clause (iv), by inserting ''or'' after the semicolon; and

(3) by inserting after clause (iv) the following:

''(v) during which the borrower is a member of the reserve components of the Armed Forces on active duty for a period of more than 30 days under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, and for 3 months following discharge or release from such active duty.''.

SEC. 1327. PRESERVATION OF EDUCATIONAL STATUS AND TUITION.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.), as amended by section 1 of Public Law 108–189 (117 Stat. 2835), is further amended by adding at the end the following new section:

''SEC. 707. PRESERVATION OF EDUCATIONAL STATUS AND TUITION.

''(a) LEAVE OF ABSENCE.—A servicemember who is a member of the reserve components on active duty for a period of more than 30 days under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, and who is enrolled as a student at an institution of higher education at the time of entry into the service on active duty, shall be granted a leave of absence from the institution during the period of the service on active duty and for one year after the conclusion of the service on active duty.

''(b) EDUCATIONAL STATUS.—

''(1) IN GENERAL.—A servicemember on a leave of absence from an institution of higher education under subsection (a) shall be entitled, upon completion of the leave of absence, to be restored to the educational status the servicemember had attained before entering into the service on active duty as described in that subsection without loss of academic credits earned, scholarships or grants awarded, or, subject to paragraph (2), tuition and other fees paid before the entry of the servicemember into the service on active duty.

''(2) TUITION.—

''(A) REFUND.—An institution of higher education shall refund tuition or fees paid or credit the tuition and fees to the next period of enrollment after a servicemember returns from the leave of absence, at the option of the servicemember. Notwithstanding the 180-day limitation referred to in subsection (a)(2)(B) of section 484B of the Higher Education Act of 1965 (20 U.S.C. 1091b), a servicemember on a leave of absence under this section shall not be treated as having withdrawn for purposes of such section 484B unless the servicemember fails to return upon the completion of the leave of absence.

''(B) AMOUNT OF REFUND.—If a servicemember requests a refund for a period of enrollment, the percentage of the tuition and fees that shall be refunded shall be equal to 100 percent minus—

''(i) the percentage of the period of enrollment (for which the tuition and fees were paid) that was completed (as determined in accordance with subsection (d) of such section 484B) as of the day the servicemember withdrew, provided that such date occurs on or before the completion of 60 percent of the period of enrollment; or

''(ii) 100 percent, if the day the person withdrew occurs after the servicemember has completed 60 percent of the period of enrollment.''.

(b) CLERICAL AMENDMENT.—The table of contents of that Act is amended by adding at the end the following new item:

''Sec. 707. Preservation of educational status and tuition.''.

Subtitle C—Retirement Benefits

SEC. 1331. REDUCED MINIMUM AGE FOR ELIGIBILITY FOR NON-REGULAR SERVICE RETIRED PAY.

Section 12731(a)(1) of title 10, United States Code, is amended by striking ''60 years of age'' and inserting ''55 years of age''.

SA 3423. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, strike lines 4 through 11 and insert the following:

(1) The number of United States military personnel assigned for temporary or permanent duty in Colombia in connection with support of Plan Colombia may not exceed 500.

(2) The number of United States individual citizens retained as contractors in Colombia in connection with support of Plan Colombia who are funded by Federal funds may not exceed 500.

SA 3424. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—AUTHORIZED USES OF FORCE IN IRAQ

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Authorization for Multilateral Iraq Stabilization Force Act of 2004''.

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) On October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243).

(2) On March 19, 2003, the United States Armed Forces commenced military operations against the authoritarian regime of Saddam Hussein.

(3) More than 225,000 members of the United States Armed Forces, and thousands more troops from coalition countries, carried out Operation Iraqi Freedom with courage and determination, swiftly defeating the enemy on the battlefield.

(4) The regime of Saddam Hussein fell on April 11, 2003, creating an opportunity for the Iraqi people to build a government free from despotism.

(5) On May 1, 2003, the President announced an end to major combat operations, signaling the beginning of the transition to an Iraq that is free from the tyranny of Saddam Hussein.

(6) On May 8, 2003, the United States and the United Kingdom, by a letter to the President of the United Nations Security Council, recognized their specific authorities, responsibilities, and obligations in Iraq under international law as occupying powers under unified command.

(7) The situation in Iraq has remained extremely dangerous since the end of major combat operations in Iraq, and violence has claimed the lives of hundreds of members of the United States Armed Forces and unknown numbers of Iraqi civilians.

(8) On June 30, 2004, the restoration of Iraq sovereignty and the end of the occupation government means that the status of the United States-led military coalition has changed, and its continued presence in Iraq will be subject to the consent of the Iraq government, the mandate of the United Nations Security Council, or both.

(9) The Prime Minister, the President, and the Foreign Minister of Iraq, who have been chosen to lead the interim Iraq government, have all cited the need for the continued presence in Iraq of the United States-led coalition and the approval of a new United Nations Security Council resolution with a mandate for a multinational force to assist in stabilizing Iraq.

(10) There is a need for Congress to enact a new authorization for the use of the United States Armed Forces in Iraq to recognize the restoration of Iraq sovereignty and the end of the occupation government of Iraq, and to send a message to the people of Iraq that the United States does not desire to maintain a military presence in Iraq for any longer than necessary.

(11) The Constitution provides that the President shall serve as Commander in Chief of the Army and Navy, but also that Congress has ultimate authority, under Article I, Section 8, over the power to declare war and authorize the use of military force.

SEC. 1303. CONGRESSIONAL POLICY ON THE GOVERNMENT OF IRAQ.

Congress—

(1) supports the transfer planned for June 30, 2004, of the governing authority in Iraq from the Coalition Provisional Authority to a newly constituted Iraq government;

(2) endorses the sovereignty of a new Iraq government that has the broad support of the Iraqi people, planned to take office on that date;

(3) encourages the United Nations to work with the interim Iraq government to promote the process for holding free and democratic elections to establish a constitutional Iraq government; and

(4) supports the adoption of a United Nations Security Council resolution that—

(A) supports the planned transfer of governing authority in Iraq; and

(B) authorizes a multinational force, of a substantially multinational character under unified command, to assist in securing Iraq; and

(5) encourages the North Atlantic Council, the North Atlantic Treaty Organization (NATO) member countries, and other countries to commit to provide increase support to assist Iraq authorities in providing security and stability in Iraq, including the deployment of additional troops for such efforts.

SEC. 1304. AUTHORIZATION FOR MULTILATERAL IRAQ STABILIZATION FORCE.

(a) AUTHORIZATION.—The President is authorized to use the United States Armed Forces on and after July 1, 2004, to participate in a multinational force created under a new United Nations Security Council resolution 1547 to assist Iraq authorities in providing security and stability in Iraq.

(b) SUNSET OF AUTHORITY.—The authority in subsection (a) shall expire when—

(1) the President determines and certifies to Congress that Iraq forces have assumed authority for security in Iraq;

(2) the President determines and certifies to Congress that foreign military forces or international organizations have assumed responsibility for stabilization efforts in Iraq;

(3) the President determines and certifies to Congress that the Iraq government has requested that United States forces or the United Nations-created multinational force withdraw from Iraq; or

(4) Congress enacts an Act providing for the termination of the authority.

(c) LIMITATION ON PLACEMENT OF MEMBERS OF THE ARMED FORCES OUTSIDE UNITED STATES CHAIN OF COMMAND.—No member of the United States Armed Forces deployed under the authority in subsection (a) may be placed outside the chain of command of the United States Armed Forces unless the President certifies to Congress that the national security interests of the United States require the placement of such member outside such chain of command.

(d) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

(e) CONSTRUCTION OF AUTHORITY.—Nothing in this title shall be construed to authorize the use of the United States Armed Forces to carry out offensive combat operations in any country other than Iraq.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The authority in subsection (a) shall supersede any prior authorization for the use of the United States Armed Forces in or against Iraq, effective July 1, 2004.

SEC. 1305. SENSE OF CONGRESS ON UNITED STATES POLICIES TOWARD IRAQ.

It is the sense of Congress that—

(1) the end of the regime of Saddam Hussein presents an opportunity for the Iraqi people to build a new government;

(2) the United States should reassess its laws and policies that were intended to apply to the government of Saddam Hussein, to determine whether those laws and policies should still apply to a new government in Iraq;

(3) the crimes of Saddam Hussein's government should not be forgotten, but that the new authorities in Iraq should be afforded a fresh start to establish a government under principles consistent with international standards of behavior; and

(4) the President should work with the United Nations Security Council to effect the sunset of prior Security Council resolutions that placed punitive obligations upon the government of Saddam Hussein, so as to insure that a new Iraqi government is not unfairly burdened or prejudiced by the actions of the prior regime.

SEC. 1306. REPORTS.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a report on matters related to the use of force under the authorization in section 1304.

(b) ELEMENTS.—Each report under subsection (a) shall include—

(1) an assessment of the capability of Iraq authorities to achieve full sovereignty, including responsibility for security;

(2) an assessment of the state of Iraq security forces, including military, police, and civil defense forces, and a detailed, updated plan for training such forces;

(3) an accounting of foreign forces and international organizations assisting in the stabilization of Iraq, and the amount and type of any assistance provided to facilitate the participation of such forces in such efforts;

(4) a review of developments relating to efforts to achieve additional contributions of troops from foreign countries for the stabilization of Iraq; and

(5) an assessment of developments relating to preparations for elections in Iraq, including information on any potential delays in the schedule for such elections.

SA 3425. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—AUTHORIZED USES OF FORCE IN IRAQ

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Authorization for Multilateral Iraq Stabilization Force Act of 2004''.

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) On October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243).

(2) On March 19, 2003, the United States Armed Forces commenced military operations against the authoritarian regime of Saddam Hussein.

(3) More than 225,000 members of the United States Armed Forces, and thousands more troops from coalition countries, carried out Operation Iraqi Freedom with courage and determination, swiftly defeating the enemy on the battlefield.

(4) The regime of Saddam Hussein fell on April 11, 2003, creating an opportunity for the Iraqi people to build a government free from despotism.

(5) On May 1, 2003, the President announced an end to major combat operations, signaling the beginning of the transition to an Iraq that is free from the tyranny of Saddam Hussein.

(6) On May 8, 2003, the United States and the United Kingdom, by a letter to the President of the United Nations Security Council, recognized their specific authorities, responsibilities, and obligations in Iraq under international law as occupying powers under unified command.

(7) The situation in Iraq has remained extremely dangerous since the end of major combat operations in Iraq, and violence has claimed the lives of hundreds of members of the United States Armed Forces and unknown numbers of Iraqi civilians.

(8) On June 30, 2004, the restoration of Iraq sovereignty and the end of the occupation government means that the status of the United States-led military coalition has changed, and its continued presence in Iraq will be subject to the consent of the Iraq government, the mandate of the United Nations Security Council, or both.

(9) The Prime Minister, the President, and the Foreign Minister of Iraq, who have been chosen to lead the interim Iraq government, have all cited the need for the continued presence in Iraq of the United States-led coalition and the approval of a new United Nations Security Council resolution with a mandate for a multinational force to assist in stabilizing Iraq.

(10) There is a need for Congress to enact a new authorization for the use of the United States Armed Forces in Iraq to recognize the restoration of Iraq sovereignty and the end of the occupation government of Iraq, and to send a message to the people of Iraq that the United States does not desire to maintain a military presence in Iraq for any longer than necessary.

(11) The Constitution provides that the President shall serve as Commander in Chief of the Army and Navy, but also that Congress has ultimate authority, under Article I, Section 8, over the power to declare war and authorize the use of military force.

SEC. 1303. CONGRESSIONAL POLICY ON THE GOVERNMENT OF IRAQ.

Congress—

(1) supports the transfer planned for June 30, 2004, of the governing authority in Iraq from the Coalition Provisional Authority to a newly constituted Iraq government;

(2) endorses the sovereignty of a new Iraq government that has the broad support of the Iraqi people, planned to take office on that date;

(3) encourages the United Nations to work with the interim Iraq government to promote the process for holding free and democratic elections to establish a constitutional Iraq government; and

(4) supports the adoption of a United Nations Security Council resolution that—

(A) supports the planned transfer of governing authority in Iraq; and

(B) authorizes a multinational force, of a substantially multinational character under unified command, to assist in securing Iraq; and

(5) encourages the North Atlantic Council, the North Atlantic Treaty Organization (NATO) member countries, and other countries to commit to provide increase support to assist Iraq authorities in providing security and stability in Iraq, including the deployment of additional troops for such efforts.

SEC. 1304. AUTHORIZATION FOR MULTILATERAL IRAQ STABILIZATION FORCE.

(a) AUTHORIZATION.—The President is authorized to use the United States Armed Forces on and after July 1, 2004, to participate in a multinational force created under a new United Nations Security Council resolution 1547 to assist Iraq authorities in providing security and stability in Iraq.

(b) SUNSET OF AUTHORITY.—The authority in subsection (a) shall expire when—

(1) the President determines and certifies to Congress that Iraq forces have assumed authority for security in Iraq;

(2) the President determines and certifies to Congress that foreign military forces or international organizations have assumed responsibility for stabilization efforts in Iraq;

(3) the President determines and certifies to Congress that the Iraq government has requested that United States forces or the United Nations-created multinational force withdraw from Iraq; or

(4) Congress enacts an Act providing for the termination of the authority.

(c) LIMITATION ON PLACEMENT OF MEMBERS OF THE ARMED FORCES OUTSIDE UNITED STATES CHAIN OF COMMAND.—No member of the United States Armed Forces deployed under the authority in subsection (a) may be placed outside the chain of command of the United States Armed Forces unless the President certifies to Congress that the national security interests of the United States require the placement of such member outside such chain of command.

(d) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

(e) CONSTRUCTION OF AUTHORITY.—Nothing in this title shall be construed to authorize the use of the United States Armed Forces to carry out offensive combat operations in any country other than Iraq.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The authority in subsection (a) shall supersede any prior authorization for the use of the United States Armed Forces in or against Iraq, effective July 1, 2004.

SEC. 1305. SENSE OF CONGRESS ON UNITED STATES POLICIES TOWARD IRAQ.

It is the sense of Congress that—

(1) the end of the regime of Saddam Hussein presents an opportunity for the Iraqi people to build a new government;

(2) the United States should reassess its laws and policies that were intended to apply to the government of Saddam Hussein, to determine whether those laws and policies should still apply to a new government in Iraq;

(3) the crimes of Saddam Hussein's government should not be forgotten, but that the new authorities in Iraq should be afforded a fresh start to establish a government under principles consistent with international standards of behavior; and

(4) the President should work with the United Nations Security Council to effect the sunset of prior Security Council resolutions that placed punitive obligations upon the government of Saddam Hussein, so as to insure that a new Iraqi government is not unfairly burdened or prejudiced by the actions of the prior regime.

SEC. 1306. REPORTS.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a report on matters related to the use of force under the authorization in section 1304.

(b) ELEMENTS.—Each report under subsection (a) shall include—

(1) an assessment of the capability of Iraq authorities to achieve full sovereignty, including responsibility for security;

(2) an assessment of the state of Iraq security forces, including military, police, and civil defense forces, and a detailed, updated plan for training such forces;

(3) an accounting of foreign forces and international organizations assisting in the stabilization of Iraq, and the amount and type of any assistance provided to facilitate the participation of such forces in such efforts;

(4) a review of developments relating to efforts to achieve additional contributions of troops from foreign countries for the stabilization of Iraq; and

(5) an assessment of developments relating to preparations for elections in Iraq, including information on any potential delays in the schedule for such elections.

SA 3426. Mr. BYRD submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

TITLE XIII—AUTHORIZED USES OF FORCE IN IRAQ

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Authorization for Multilateral Iraq Stabilization Force Act of 2004''.

SEC. 1302. FINDINGS.

Congress makes the following findings:

(1) On October 16, 2002, the President signed into law the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243).

(2) On March 19, 2003, the United States Armed Forces commenced military operations against the authoritarian regime of Saddam Hussein.

(3) More than 225,000 members of the United States Armed Forces, and thousands more troops from coalition countries, carried out Operation Iraqi Freedom with courage and determination, swiftly defeating the enemy on the battlefield.

(4) The regime of Saddam Hussein fell on April 11, 2003, creating an opportunity for the Iraqi people to build a government free from despotism.

(5) On May 1, 2003, the President announced an end to major combat operations, signaling the beginning of the transition to an Iraq that is free from the tyranny of Saddam Hussein.

(6) On May 8, 2003, the United States and the United Kingdom, by a letter to the President of the United Nations Security Council, recognized their specific authorities, responsibilities, and obligations in Iraq under international law as occupying powers under unified command.

(7) The situation in Iraq has remained extremely dangerous since the end of major combat operations in Iraq, and violence has claimed the lives of hundreds of members of the United States Armed Forces and unknown numbers of Iraqi civilians.

(8) On June 30, 2004, the restoration of Iraq sovereignty and the end of the occupation government means that the status of the United States-led military coalition has changed, and its continued presence in Iraq will be subject to the consent of the Iraq government, the mandate of the United Nations Security Council, or both.

(9) The Prime Minister, the President, and the Foreign Minister of Iraq, who have been chosen to lead the interim Iraq government, have all cited the need for the continued presence in Iraq of the United States-led coalition and the approval of a new United Nations Security Council resolution with a mandate for a multinational force to assist in stabilizing Iraq.

(10) There is a need for Congress to enact a new authorization for the use of the United States Armed Forces in Iraq to recognize the restoration of Iraq sovereignty and the end of the occupation government of Iraq, and to send a message to the people of Iraq that the United States does not desire to maintain a military presence in Iraq for any longer than necessary.

(11) The Constitution provides that the President shall serve as Commander in Chief of the Army and Navy, but also that Congress has ultimate authority, under Article I, Section 8, over the power to declare war and authorize the use of military force.

SEC. 1303. CONGRESSIONAL POLICY ON THE GOVERNMENT OF IRAQ.

Congress—

(1) supports the transfer planned for June 30, 2004, of the governing authority in Iraq from the Coalition Provisional Authority to a newly constituted Iraq government;

(2) endorses the sovereignty of a new Iraq government that has the broad support of the Iraqi people, planned to take office on that date;

(3) encourages the United Nations to work with the interim Iraq government to promote the process for holding free and democratic elections to establish a constitutional Iraq government; and

(4) supports the adoption of a United Nations Security Council resolution that—

(A) supports the planned transfer of governing authority in Iraq; and

(B) authorizes a multinational force, of a substantially multinational character under unified command, to assist in securing Iraq; and

(5) encourages the North Atlantic Council, the North Atlantic Treaty Organization (NATO) member countries, and other countries to commit to provide increase support to assist Iraq authorities in providing security and stability in Iraq, including the deployment of additional troops for such efforts.

SEC. 1304. AUTHORIZATION FOR MULTILATERAL IRAQ STABILIZATION FORCE.

(a) AUTHORIZATION.—The President is authorized to use the United States Armed Forces on and after July 1, 2004, to participate in a multinational force created under United Nations Security Council resolution 1546 to assist Iraq authorities in providing security and stability in Iraq.

(b) SUNSET OF AUTHORITY.—The authority in subsection (a) shall expire on July 1, 2006, unless—

(1) the President determines and certifies to Congress that an extension of the use of force authority in subsection (a) is required for the purposes of National Security; or

(2) Congress enacts an Act providing for the termination of the authority.

(c) LIMITATION ON PLACEMENT OF MEMBERS OF THE ARMED FORCES OUTSIDE UNITED STATES CHAIN OF COMMAND.—No member of the United States Armed Forces deployed under the authority in subsection (a) may be placed outside the chain of command of the United States Armed Forces unless the President certifies to Congress that the national security interests of the United States require the placement of such member outside such chain of command.

(d) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution, Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) APPLICABILITY OF OTHER REQUIREMENTS.—Nothing in this resolution supersedes any requirement of the War Powers Resolution.

(e) CONSTRUCTION OF AUTHORITY.—Nothing in this title shall be construed to authorize the use of the United States Armed Forces to carry out offensive combat operations in any country other than Iraq.

(f) RELATIONSHIP TO OTHER AUTHORITY.—The authority in subsection (a) shall supersede any prior authorization for the use of the United States Armed Forces in or against Iraq, effective July 1, 2004.

SEC. 1305. SENSE OF CONGRESS ON UNITED STATES POLICIES TOWARD IRAQ.

It is the sense of Congress that—

(1) the end of the regime of Saddam Hussein presents an opportunity for the Iraqi people to build a new government;

(2) the United States should reassess its laws and policies that were intended to apply to the government of Saddam Hussein, to determine whether those laws and policies should still apply to a new government in Iraq;

(3) the crimes of Saddam Hussein's government should not be forgotten, but that the new authorities in Iraq should be afforded a fresh start to establish a government under principles consistent with international standards of behavior; and

(4) the President should work with the United Nations Security Council to effect the sunset of prior Security Council resolutions that placed punitive obligations upon the government of Saddam Hussein, so as to insure that a new Iraqi government is not unfairly burdened or prejudiced by the actions of the prior regime.

SEC. 1306. REPORTS.

(a) REPORTS.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to Congress a report on matters related to the use of force under the authorization in section 1304.

(b) ELEMENTS.—Each report under subsection (a) shall include—

(1) an assessment of the capability of Iraq authorities to achieve full sovereignty, including responsibility for security;

(2) an assessment of the state of Iraq security forces, including military, police, and civil defense forces, and a detailed, updated plan for training such forces;

(3) an accounting of foreign forces and international organizations assisting in the stabilization of Iraq, and the amount and type of any assistance provided to facilitate the participation of such forces in such efforts;

(4) a review of developments relating to efforts to achieve additional contributions of troops from foreign countries for the stabilization of Iraq; and

(5) an assessment of developments relating to preparations for elections in Iraq, including information on any potential delays in the schedule for such elections.

SA 3427. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 653. CHILD CARE FOR CHILDREN OF MEMBERS OF THE RESERVES ON ACTIVE DUTY FOR OPERATION ENDURING FREEDOM OR OPERATION IRAQI FREEDOM.

(a) IN GENERAL.—The Secretary of Defense shall permit the children of covered members of the Reserves to attend military child development centers and participate in child care and development programs and activities under subchapter II of chapter 88 of title 10, United States Code, and other applicable provisions of law, to the same extent, and subject to the same terms and conditions, as children of members of the Armed Forces in the regular components are permitted to attend such centers and participate in such programs and activities.

(b) CHILD CARE FOR CHILDREN WITHOUT ACCESS TO MILITARY CHILD DEVELOPMENT CENTERS.—(1) In any case where the children of a covered member of the Reserves who are geographically dispersed and do not have practical access to a military child development center, the Secretary shall satisfy the requirement in subsection (a) with such funds as are necessary to permit the member's family to secure access for such children to child care and development programs and activities in the private sector that are similar in scope and quality to the child care and development programs and activities the Secretary would otherwise provide access to under that subsection.

(2) Funds may be provided under this subsection in accordance with the provisions of section 1798 of title 10, United States Code, or by such other mechanism as the Secretary considers appropriate.

(c) PRESERVATION OF SERVICES AND PROGRAMS.—The Secretary shall provide for the attendance and participation of children in military child development centers and child care and development programs and activities under this section in a manner that preserves the scope and quality of child care and development programs and activities otherwise provided by the Secretary.

(d) FUNDING.—Amounts available to the Department of Defense and the military departments for operation and maintenance shall be available for the costs of the attendance and participation of children in military child development centers and child care and development programs and activities under this section.

(e) DEFINITIONS.—In this section:

(1) The term ''covered members of the Reserves'' means members of the Armed Forces who are called or ordered to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) The term ''military child development center'' has the meaning given such term in section 1800(1) of title 10, United States Code.

SA 3428. Mr. GRAHAM of South Carolina (for himself, Mr. CRAPO, Mr. ALEXANDER, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SA 3429. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, between the matter following line 18 and line 19, insert the following:

SEC. 1055. EXCEPTION TO BILATERAL AGREEMENT REQUIREMENTS FOR TRANSFERS OF DEFENSE ITEMS.

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

(1) Close defense cooperation between the United States and each of the United Kingdom and Australia requires interoperability among the armed forces of those countries.

(2) The need for interoperability must be balanced with the need for appropriate and effective regulation of trade in defense items.

(3) The Arms Export Control Act (22 U.S.C. 2751 et seq.) authorizes the executive branch to administer arms export policies enacted by Congress in the exercise of its constitutional power to regulate commerce with foreign nations.

(4) The executive branch has exercised its authority under the Arms Export Control Act, in part, through the International Traffic in Arms Regulations.

(5) Agreements to gain exemption from the International Traffic in Arms Regulations must be submitted to Congress for review.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

(2) DEFENSE ITEMS.—The term ''defense items'' has the meaning given the term in section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(3) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term ''International Traffic in Arms Regulations'' means the regulations maintained under parts 120 through 130 of title 22, Code of Federal Regulations, and any successor regulations.

(c) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—

(1) IN GENERAL.—Subsection (j) of section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—

''(A) AUSTRALIA.—Subject to section 1055 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraph (2)(A) shall not apply to a bilateral agreement between the United States Government and the Government of Australia with respect to transfers or changes in end use of defense items within Australia that will remain subject to the licensing requirements of this Act after such agreement enters into force.

''(B) UNITED KINGDOM.—Subject to section 1055 of the National Defense Authorization Act for Fiscal Year 2005, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i), and (2)(A)(ii) shall not apply to a bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act.''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of such subsection is amended in the matter preceding subparagraph (A) by striking ''A bilateral agreement'' and inserting ''Except as provided in paragraph (4), a bilateral agreement''.

(d) CERTIFICATIONS.—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall certify to the appropriate congressional committees that such agreement—

(1) is in the national interest of the United States and will not in any way affect the goals and policy of the United States under section 1 of the Arms Export Control Act (22 U.S.C. 2751);

(2) does not adversely affect the efficacy of the International Traffic in Arms Regulations to provide consistent and adequate controls for licensed exports of United States defense items; and

(3) will not adversely affect the duties or requirements of the Secretary of State under the Arms Export Control Act.

(e) NOTIFICATION OF BILATERAL LICENSING EXEMPTIONS.—Not later than 30 days before authorizing an exemption from the licensing requirements of the International Traffic in Arms Regulations in accordance with any bilateral agreement entered into with the United Kingdom or Australia under section 38(j) of the Arms Export Control Act (22 U.S.C. 2778(j)), as amended by subsection (c), the President shall submit to the appropriate congressional committees the text of the regulations that authorize such a licensing exemption.

(f) REPORT ON CONSULTATION ISSUES.—Not later than one year after the date of the enactment of this Act and annually thereafter for each of the following 5 years, the President shall submit to the appropriate congressional committees a report on issues raised during the previous year in consultations conducted under the terms of any bilateral agreement entered into with Australia under section 38(j) of the Arms Export Control Act, or under the terms of any bilateral agreement entered into with the United Kingdom under such section, for exemption from the licensing requirements of the Arms Export Control Act (22 U.S.C. 2751 et seq.). Each report shall contain—

(1) information on any notifications or consultations between the United States and the United Kingdom under the terms of any agreement with the United Kingdom, or between the United States and Australia under the terms of any agreement with Australia, concerning the modification, deletion, or addition of defense items on the United States Munitions List, the United Kingdom Military List, or the Australian Defense and Strategic Goods List;

(2) a list of all United Kingdom or Australia persons and entities that have been designated as qualified persons eligible to receive United States origin defense items exempt from the licensing requirements of the Arms Export Control Act under the terms of such agreements, and listing any modification, deletion, or addition to such lists, pursuant to the requirements of any agreement with the United Kingdom or any agreement with Australia;

(3) information on consultations or steps taken pursuant to any agreement with the United Kingdom or any agreement with Australia concerning cooperation and consultation with either government on the effectiveness of the defense trade control systems of such government;

(4) information on provisions and procedures undertaken pursuant to—

(A) any agreement with the United Kingdom with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in the United Kingdom; and

(B) any agreement with Australia with respect to the handling of United States origin defense items exempt from the licensing requirements of the Arms Export Control Act by persons and entities qualified to receive such items in Australia;

(5) information on any new understandings, including the text of such understandings, between the United States and the United Kingdom concerning retransfer of United States origin defense items made pursuant to any agreement with the United Kingdom to gain exemption from the licensing requirements of the Arms Export Control Act;

(6) information on consultations with the Government of the United Kingdom or the Government of Australia concerning the legal enforcement of any such agreements;

(7) information on United States origin defense items with respect to which the United States has provided an exception under the Memorandum of Understanding between the United States and the United Kingdom and any agreement between the United States and Australia from the requirement for United States Government re-export consent that was not provided for under United States laws and regulations in effect on the date of the enactment of this Act; and

(8) information on any significant concerns that have arisen between the Government of Australia or the Government of the United Kingdom and the United States Government concerning any aspect of any bilateral agreement between such country and the United States to gain exemption from the licensing requirements of the Arms Export Control Act.

(g) SPECIAL NOTIFICATIONS.—

(1) REQUIRED NOTIFICATIONS.—The Secretary of State shall notify the appropriate congressional committees not later than 90 days after receiving any credible information regarding an unauthorized end-use or diversion of United States exports of goods or services made pursuant to any agreement with a country to gain exemption from the licensing requirements of the Arms Export Control Act. The notification shall be made in a manner that is consistent with any ongoing efforts to investigate and commence civil actions or criminal investigations or prosecutions regarding such matters and may be made in classified or unclassified form.

(2) CONTENT.—The notification regarding an unauthorized end-use or diversion of goods or services under paragraph (1) shall include—

(A) a description of the goods or services;

(B) the United States origin of the good or service;

(C) the authorized recipient of the good or service;

(D) a detailed description of the unauthorized end-use or diversion, including any knowledge by the United States exporter of such unauthorized end-use or diversion;

(E) any enforcement action taken by the Government of the United States; and

(F) any enforcement action taken by the government of the recipient nation.

SA 3430. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2804. MODIFICATION OF AUTHORITIES UNDER ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) REQUIREMENTS FOR CONTRACTS FOR LEASING OF HOUSING.—Section 2874 of title 10, United States Code, is amended by striking subsection (b) and inserting the following new subsection (b):

''(b) CONTRACT TERMS.—Any contract for the lease of housing units under subsection (a) shall include the following provisions:

''(1) That the obligation of the United States to make payments under such contract in any fiscal year shall be subject to appropriations being available for such fiscal year and specifically for the project covered by such contract.

''(2) A commitment to obligate the necessary amount for a fiscal year covered by such contract when and to the extent that funds are appropriated for the project covered by such contract.

''(3) That the commitment described in paragraph (2) does not constitute an obligation of the United States.''.

(b) INVESTMENTS SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—Section 2875(a) of such title is amended by inserting '', subject to the availability of appropriations for such purpose,'' after ''may''.

(c) REPEAL OF CERTAIN AUTHORITIES.—

(1) RENTAL GUARANTEES.—Section 2876 of such title is repealed.

(2) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is repealed.

(3) ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO HOUSING UNITS.—Section 2882 of such title is repealed.

(d) INCREASE IN AMOUNT OF BUDGET AUTHORITY FOR MILITARY FAMILY HOUSING.—Section 2883(g)(1) of such title is amended by striking ''$850,000,000'' and inserting ''$850,000,001''.

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the items relating to sections 2876, 2877, and 2882.

SA 3431. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 243, after the matter following line 18, insert the following:

SEC. 1014. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.

(a) AUTHORITY TO TRANSFER BY GRANT.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) CHILE.—To the Government of Chile, the SPRUANCE class destroyer O'BANNON (DD 987).

(2) PORTUGAL.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigate GEORGE PHILIP (FFG 12) and the OLIVER HAZARD PERRY class guided missile frigate USS SIDES (FFG 14).

(b) AUTHORITY TO TRANSFER BY SALE.—The Secretary of the Navy is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the ANCHORAGE class dock landing ship ANCHORAGE (LSD 36).

(2) CHILE.—To the Government of Chile, the SPRUANCE class destroyer FLETCHER (DD 992).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1)) in the case of a transfer authorized to be made on a grant basis under subsection (a)).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

SA 3432. Mr. WARNER (for himself, Mr. FRIST, Mr. STEVENS, Mr. MCCONNELL, Mr. LEVIN, Mr. MCCAIN, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. SANTORUM, Mr. ROBERTS, Mr. ALLARD, Mr. SESSIONS, Ms. COLLINS, Mr. ENSIGN, Mr. TALENT, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, Mrs. DOLE, Mr. CORNYN, Mr. INOUYE, Mr. COCHRAN, Mr. GRASSLEY, Mr. LUGAR, Mr. NICKLES, Mr. BURNS, Mr. LOTT, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, beginning on line 2, strike ''National Defense Authorization Act for Fiscal Year 2005'' and insert ''Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005''.

SA 3433. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction,

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

On page 311, in the table preceding line 1, insert after the item relating to Hill Air Force Base, Utah, the following new item:

Wyoming	F.E. Warren Air Force Base.	$5,500,000

On page 311, in the table preceding line 1, strike the amount identified as the total in the amount column and insert ''$452,023,000''.

On page 314, line 10, strike ''$446,523,000'' and insert ''$452,023,000''.

On page 315, line 3, strike ''$863,896,000'' and insert ''$858,396,000''.

SA 3434. Mr. MCCONNELL (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 164, after line 18, insert the following:

SEC. 816. SENSE OF THE SENATE ON EFFECTS OF COST INFLATION ON THE VALUE RANGE OF THE CONTRACTS TO WHICH A SMALL BUSINESS CONTRACT RESERVATION APPLIES.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) in the administration of the requirement for reservation of contracts for small businesses under subsection (j) of section 15 of the Small Business Act (15 U.S.C. 644), the maximum amount in the contract value range provided under that subsection should be treated as being adjusted to the same amount to which the simplified acquisition threshold is increased whenever such threshold is increased under law; and

(2) the minimum amount specified in paragraph (1) of such subsection should not be increased on the basis of cost inflation.

(b) SIMPLIFIED ACQUISITION THRESHOLD DEFINED.—In this section, the term ''simplified acquisition threshold'' has the meaning give such term in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)).

SA 3435. Mr. MCCONNELL (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 365, between lines 18 and 19, insert the following:

SEC. 2830. LAND CONVEYANCE, NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Berkeley County Sanitation Authority, South Carolina (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of not more than 23 acres and comprising a portion of the Naval Weapons Station, Charleston, South Carolina, for the purpose of allowing the Authority to expand an existing sewage treatment plant.

(b) CONSIDERATION.—As consideration for the conveyance of property under subsection (a), the Authority shall provide the United States, whether by cash payment, in-kind services, or a combination thereof, an amount that is not less than the fair market value, as determined by an appraisal acceptable to the Secretary, of the property conveyed under such subsection.

(c) PAYMENT OF COSTS OF CONVEYANCE.—(1) The Secretary may require the Authority to cover costs incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including appraisal costs, survey costs, costs related to compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and environmental remediation, and other administrative costs related to the conveyance. If the amounts are collected from the Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(2) Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 3436. Mr. MCCONNELL (for himself, Mr. BUNNING, Mr. BINGAMAN, Mr. GRASSLEY, Mrs. CLINTON, Mr. DOMENICI, Ms. CANTWELL, Mr. VOINOVICH, Mr. SCHUMER, Mr. ALEXANDER, Mr. KENNEDY, Mrs. MURRAY, Mr. DEWINE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle E—Energy Employees Occupational Illness Compensation Program

SEC. 3161. WORKERS COMPENSATION.

(a) IN GENERAL.—Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7385*o*) is amended to read as follows:

''Subtitle D—Workers Compensation

''SEC. 3661. COVERED DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.

''(a) IN GENERAL.—In this subtitle, the term 'covered Department of Energy contractor employee' means any Department of Energy contractor employee determined under section 3663 to have contracted an occupational illness or covered illness through exposure at a Department of Energy facility.

''(b) EXCLUSION OF ILLNESS THROUGH EXPOSURE AFTER COMMENCEMENT OF NEW PROGRAM.—For purposes of this subtitle, an occupational illness or covered illness shall not include any illness contracted by a Department of Energy contractor employee through exposure at a Department of Energy facility if the exposure occurs after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005.

''SEC. 3662. WORKERS COMPENSATION.

''(a) IN GENERAL.—Except as provided in subsection (b), a covered Department of Energy contractor employee, or the survivor of a covered Department of Energy contractor employee if the covered Department of Energy contractor employee is deceased, shall receive workers compensation in an amount determined under section 3664.

''(b) ELECTION TO PROCEED UNDER STATE WORKERS' COMPENSATION SYSTEM.—(1) A Department of Energy contractor employee otherwise covered by this section may elect to seek workers' compensation under the appropriate State workers' compensation system for the occupational illness or covered illness of the covered Department of Energy contractor employee rather than seek workers compensation for the occupational illness or covered illness, as the case may be, under this subtitle.

''(2) Any Department of Energy contractor employee making an election under paragraph (1) who becomes entitled to workers' compensation under the appropriate State workers' compensation system following an election under that paragraph is not entitled to receive workers compensation under this subtitle.

''(c) FUNDING.—The Secretary of Labor shall make payments of workers compensation under this section from amounts authorized to be appropriated for such purpose under section 3670.

''SEC. 3663. DETERMINATIONS REGARDING CONTRACTION OF OCCUPATIONAL OR COVERED ILLNESSES.

''(a) EMPLOYEES COVERED BY PREVIOUS DETERMINATION OF ENTITLEMENT TO COMPENSATION AND BENEFITS.—(1) A Department of Energy contractor employee who has been determined to be entitled to compensation and benefits for an occupational illness contracted in the performance of duty at a Department of Energy facility under subtitle B shall be treated as having contracted the occupational illness through exposure at the Department of Energy facility for purposes of this subtitle.

''(2) A determination, pursuant to activities under paragraph (2) of section 3161(d) of the National Defense Authorization Act for Fiscal Year 2005 before or during the period of transition of administration of this subtitle to the Department of Labor under paragraph (1) of such section, that an individual contracted an occupational illness through exposure at a Department of Energy facility for purposes of this subtitle shall be valid for purposes of this subtitle.

''(b) OTHER EMPLOYEES.—In the case of a Department of Energy contractor employee not previously covered by a determination

described in subsection (a) with respect to an occupational illness, the Department of Energy contractor employee shall be determined to have contracted an illness (in this subtitle referred to as a 'covered illness') through exposure at a Department of Energy facility for purposes of this subtitle if—

''(1) it is at least as likely as not that exposure to a toxic substance was a significant factor in aggravating, contributing to, or causing the illness; and

''(2) it is at least as likely as not that the exposure to such toxic substance was related to employment at a Department of Energy facility.

''(c) DETERMINATIONS REGARDING EMPLOYEES NOT PREVIOUSLY COVERED BY DETERMINATION OF ENTITLEMENT.—(1) The Secretary of Labor shall make each determination under subsection (b) as to whether or not a Department of Energy contractor employee described in that subsection contracted a covered illness related to employment at a Department of Energy facility.

''(2) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection. Any physicians so utilized shall possess appropriate expertise and experience in the evaluation and diagnosis of illnesses aggravated, contributed to, or caused by exposure to toxic substances.

''(3) The Secretary may secure the services of physicians under this subsection through the appointment of physicians or by contract.

''(4) The Secretary shall consult with the Secretary of Health and Human Services before utilizing the services of physicians for purposes of making determinations under this subsection.

SEC. 3664. AMOUNT OF WORKERS COMPENSATION.

''(a) IN GENERAL.—The amount of workers compensation payable to a covered Department of Energy contractor employee, or the eligible survivors of a covered Department of Energy contractor employee, for an occupational illness or covered illness under section 3662 is the amount of workers' compensation to which the Department of Energy contractor employee, or the eligible survivors, respectively, would otherwise be entitled for the occupational illness or covered illness, as the case may be, under the appropriate State workers' compensation system.

''(b) INAPPLICABILITY OF CERTAIN STATE WORKERS' COMPENSATION SYSTEM LIMITATIONS.—The amount of workers' compensation to which a covered Department of Energy contractor employee would otherwise be entitled under subsection (a) shall be determined without regard to any requirements under the appropriate State workers' compensation system for each of the following:

''(1) Statutes of limitation, or other rules limiting compensation to claims filed within a specified period after last exposure to a toxic substance or after last employment by an employer where the employee was exposed to a toxic substance.

''(2) Exposure rules, including minimum periods of exposure to toxic substances.

''(3) Causation rules more stringent that the standard in section 3663(b).

''(4) Burdens of proof, quantum of proof standards, or both more stringent than the standard in section 3663(b).

''(5) Return to work requirements, including obligations to participate in vocational rehabilitation and medical examinations connected with the ability to return to work.

''(6) Medical examinations in addition to medical examinations required by the Secretary of Labor for the application of section 3663 in determining causation or required by the Secretary of Labor for the application of subsection (c) in determining the amount of workers' compensation payable.

''(c) DETERMINATION OF AMOUNT.—(1) The Secretary of Labor shall determine the amount of workers compensation payable to each covered Department of Energy contractor employee under section 3662.

''(2)(A) The Secretary may utilize the assistance of the workers' compensation system personnel of any State in making determinations under paragraph (1).

''(B) The utilization of assistance under subparagraph (A) shall be in accordance with an agreement entered into by the Secretary and the chief executive officer of the State concerned.

''(C) An agreement under subparagraph (B) may provide for the Secretary to reimburse the State concerned for the costs of the State in providing assistance under the agreement.

''(3)(A) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection.

''(B) Any physicians utilized under subparagraph (A) shall possess appropriate expertise and experience in the evaluation and determination of the extent of permanent physical impairments.

''(C) The Secretary may secure the services of physicians under subparagraph (A) through the appointment of physicians or by contract.

"SEC. 3665. MEDICAL BENEFITS.

''(a) IN GENERAL.—A Department of Energy contractor employee eligible for workers compensation for an occupational illness or covered illness under this subtitle shall be furnished medical benefits specified in section 3629 for the occupational illness or covered illness, as the case may be, to the same extent, and under the same conditions and limitations, as an individual eligible for medical benefits under that section is furnished medical benefits under that section.

''(b) FUNDING.—Amounts for payments for medical benefits under this section shall be derived from amounts authorized to be appropriated for such purpose under section 3670.

"SEC. 3666. REVIEW OF CERTAIN DETERMINATIONS.

''(a) STATUS AS DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEE.—An individual may seek the review of a determination that the individual is not a Department of Energy contractor employee.

''(b) ELIGIBILITY AND AMOUNT OF WORKERS COMPENSATION.—A Department of Energy contractor employee may seek the review of any determination as follows:

''(1) A determination under section 3663(b) that the Department of Energy contractor employee is not a covered Department of Energy contractor employee.

''(2) A determination under 3664 of the amount of workers compensation payable to the Department of Energy contractor employee under section 3662.

''(c) REVIEW.—(1) The review of a determination under subsection (a) or (b) shall be conducted by the Secretary of Labor in accordance with procedures applicable for the review of claims under sections 30.310 through 30.320 of title 20, Code of Federal Regulations, or any successor regulations.

''(2)(A) The review of a determination under subsection (b)(1) shall include review by a physician or physician panel.

''(B) Each physician or physician on a panel under subparagraph (A) shall be a physician with experience and competency in diagnosing illnesses aggravated, contributed to, or caused by exposure to toxic substances.

''(C) The Secretary of Labor may investigate any allegation that a physician appointed under this paragraph has a conflict of interest. If the Secretary of Labor determines that a conflict of interest exists, the Secretary shall notify the Secretary of Health and Human Services, who shall review the allegation.

''(D) Each review by a physician or physician panel under subparagraph (A) shall be conducted in accordance with such procedures as the Secretary shall prescribe.

''(3)(A) The results of each review under this subsection shall be submitted to the Secretary.

''(B) The Secretary shall accept the results of any portion of a review under this subsection that consists of a review by a physician or physician panel under paragraph (2) unless there is substantial evidence to the contrary.

''(d) REVERSAL OF DETERMINATIONS.—Except as provided in subsection (c)(3)(B), the Secretary of Labor may vacate or reverse any determination described in subsection in subsection (a) or (b) if the Secretary determines, as the result of a review of such determination under subsection (c), that such determination was erroneous.

"SEC. 3667. ATTORNEY FEES.

''(a) IN GENERAL.—Except as provided in subsection (b), the provisions of section 3648 shall apply to the availability of attorney fees for assistance on a claim under this subtitle to the same extent, and subject to the same conditions and limitations, that such provisions apply to the availability of attorney fees for assistance on a claim under subtitle B.

''(b) ATTORNEY FEE SCHEDULE.—(1) The Secretary of Labor may, by regulation, modify the application of section 3648 to the availability of attorney fees under this subtitle to establish a schedule for attorney fees under this subtitle that will ensure representation of claimants and appropriate compensation for such representation.

''(2) The amount of attorney fees for assistance on claims under the schedule of attorney fees shall take into appropriate account the nature and complexity of the legal issues involved in such claims and the procedural level at which assistance is given.

"SEC. 3668. ADMINISTRATIVE MATTERS.

''(a) IN GENERAL.—The Secretary of Labor shall administer the provisions of this subtitle.

''(b) CONTRACT AUTHORITY.—(1) The Secretary may enter into contracts with appropriate persons and entities in order to administer the provisions of this subtitle.

''(2) The authority of the Secretary to enter into contracts under this subtitle shall be effective in any fiscal year only to the extent and in such amount as are provided in advance in appropriations Acts.

''(c) RECORDS.—(1)(A) The Secretary of Energy shall provide to the Secretary of Labor all records, files, and other data, whether paper, electronic, imaged, or otherwise, developed by the Secretary of Energy that are applicable to the administration of the provisions of this subtitle by the Secretary of Labor, including records, files, and data on facility industrial hygiene, employment of individuals or groups, exposure and medical records, and claims applications.

''(B) In providing records, files, and other data under this paragraph, the Secretary of Energy shall preserve the current organization of such records, files, and other data, and shall provide such description and indexing of such records, files, and other data as the Secretary of Energy and the Secretary of Labor jointly consider appropriate to facilitate their use by the Secretary of Labor for purposes of this subtitle.

''(2) The Secretary of Energy and the Secretary of Labor shall jointly undertake such

actions as are appropriate to retrieve records applicable to the claims of Department of Energy contractor employees for workers compensation under this subtitle, including employment records, records of exposure to beryllium, radiation, silicon, or metals or volatile organic chemicals, and records regarding medical treatment.

''(d) REGULATIONS.—The Secretary of Labor shall prescribe regulations necessary for the administration of the provisions of this subtitle.

''SEC. 3669. OFFICE OF OMBUDSMAN.

''(a) ESTABLISHMENT.—There is established in the Department of Labor an office to be known as the 'Office of the Ombudsman' (in this section referred to as the 'Office').

''(b) HEAD.—The head of the Office shall be the Ombudsman. The individual serving as Ombudsman shall be either of the following:

''(1) An officer or employee of the Department of Labor designated by the Secretary for purposes of this section from among officers and employees of the Department who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

''(2) An individual employed by the Secretary from the private sector from among individuals in the private sector who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

''(c) DUTIES.—The duties of the Office shall be as follows:

''(1) To assist individuals in making claims under this subtitle.

''(2) To provide information on the benefits available under this subtitle and on the requirements and procedures applicable to the provision of such benefits.

''(3) To act as an advocate on behalf of individuals seeking benefits under this subtitle.

''(4) To make recommendations to the Secretary regarding the location of centers (to be known as 'resource centers') for the acceptance and development of claims for benefits under this subtitle.

''(5) To carry out such other duties with respect to this subtitle as the Secretary shall specify for purposes of this section.

''(d) INDEPENDENT OFFICE.—The Secretary shall take appropriate actions to ensure the independence of the Office within the Department of Labor, including independence from other officers and employees of the Department engaged in activities relating to the administration of the provisions of this subtitle.

''(e) ANNUAL REPORT.—(1) Not later than February 15 each year, the Ombudsman shall submit to Congress a report on activities under this subtitle.

''(2) Each report under paragraph (1) shall set forth the following:

''(A) The number and types of complaints, grievances, and requests for assistance received by the Ombudsman under this subtitle during the preceding year.

''(B) An assessment of the most common difficulties encountered by claimants and potential claimants under this subtitle during the preceding year.

''(C) Such recommendations as the Ombudsman considers appropriate for the improvement of the practices of the Department of Labor in administering this subtitle.

''(D) Such recommendations at the Ombudsman considers appropriate for modifying the authorities and requirements of this subtitle in order to better address the workers compensation interests of covered Department of Energy contractor employees and others, as determined by the Ombudsman, meriting benefits under this subtitle.

''(3) No official of the Department of Labor, or of any other department or agency of the Federal Government, may require the review or approval of a report of the Ombudsman under this subsection before the submittal of such report to Congress.

''(f) OUTREACH.—The Secretary of Labor and the Secretary of Health and Human Services shall each undertake outreach to advise the public of the existence and duties of the Office.

''SEC. 3670. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor for fiscal year 2005 and each fiscal year thereafter such sums as may be necessary in such fiscal year for—

''(1) the provision of compensation and benefits under this subtitle; and

''(2) the administration of the provisions of this subtitle.

''(b) AVAILABILITY WITHOUT FISCAL YEAR LIMITATION.—Amounts authorized to be appropriated by subsection (a) shall remain available without fiscal year limitation.

''(c) AVAILABILITY OF AMOUNTS SUBJECT TO APPROPRIATIONS ACTS.—The authority to provide compensation and benefits under this subtitle shall be effective in any fiscal year only to the extent and in such amounts as are provided in advance in appropriations Acts.''.

(b) CONFORMING AMENDMENT.—Section 3643 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385b) is amended by striking ''The acceptance'' and inserting ''Except as provided in subtitle D, the acceptance''.

(c) REGULATIONS.—The Secretary of Labor shall prescribe the regulations required by section 3668(d) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 120 days after the date of the enactment of this Act. The Secretary may prescribe interim final regulations necessary to meet the deadlines specified in the preceding sentence and subsection (d)(1).

(d) TRANSITION.—(1) The Secretary of Labor shall commence the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Energy and the Secretary of Labor shall jointly take such actions as are appropriate—

(A) to identify the activities under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as in effect on the day before the date of the enactment of this Act, that will continue under that subtitle, as amended by this section, upon the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1); and

(B) to ensure the continued discharge of such activities until the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1).

(3)(A) In carrying out activities under paragraph (2), the Secretary of Energy shall only conduct a causation review on a claim if the claim is completely prepared and awaiting review as of the date of the enactment of this Act.

(B) Activities under paragraph (2) on any claim covered by such activities that is not described by subparagraph (A) shall be carried out by the Secretary of Labor.

(e) PROVISION OF RECORDS.—The Secretary of Energy shall, to the maximum extent practicable, complete the provision of records to the Secretary of Labor under section 3668(c)(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 60 days after the date of the enactment of this Act.

(f) SITE PROFILES.—(1)(A) The Secretary of Labor shall prepare a site profile for each of the 14 Department of Energy facilities that have received the most number of claims for compensation and benefits under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 as of the date of the enactment of this Act.

(B) The Secretary of Labor shall prepare a site profile under subparagraph (A) utilizing the former worker medical screening programs of the Department of Energy.

(2) If the Secretary of Labor determines that the preparation of a site profile for a facility cannot be performed under paragraph (1) because no worker medical screening activities occurred for the facility, or that preparation of the profile is otherwise impracticable, the site profile for the facility shall be prepared by the National Institute of Occupational Safety and Health.

(3) All site profiles required by this subsection shall be completed not later than 210 days after the date of the enactment of this Act.

(4) The Secretary of Energy shall provide the Secretary of Labor with any support that the Secretary of Labor considers necessary for carrying out this subsection.

(5) In this subsection, the term ''site profile'', in the case of a Department of Energy facility, means an exposure assessment that—

(A) identifies any processes and toxic substances used in the facility;

(B) establishes the times in which such toxic substances were used in the facility; and

(C) establishes the degree of exposure to such toxic substances taking into account available records and studies and information on such processes and toxic substances.

(g) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Energy should—

(1) adopt a policy not to oppose any final positive determinations with respect to injured workers at Department of Energy facilities and atomic weapons employer facilities under State adjudication systems unless such determinations are frivolous; and

(2) incorporate the policy referred to in paragraph (1) in all Department of Energy contracts with non-Federal government entities to which such policy could apply.

(h) FUNDING FOR ADMINISTRATION IN FISCAL YEAR 2005.—(1) Of the amount authorized to be appropriated for fiscal year 2005 by section 3102(a)(1) for environmental management for defense site acceleration completion, $2,000,000 shall be available for purposes of the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, during fiscal year 2005.

(2) The Secretary of Energy shall transfer to the Secretary of Labor the amount available under paragraph (1) for the purposes specified in that paragraph.

(3) The Secretary of Labor shall utilize amounts transferred to the Secretary under paragraph (2) for the purposes specified in paragraph (1).

SEC. 3162. TERMINATION OF EFFECT OF OTHER ENHANCEMENTS OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Notwithstanding any other provision of this Act, section 3143, relating to enhancements of the Energy Employees Occupational Illness Compensation Program, shall have no force or effect, and the amendments specified in such section shall not be made.

SEC. 3163. SENSE OF SENATE ON RESOURCE CENTER FOR ENERGY EMPLOYEES UNDER ENERGY EMPLOYEE OCCUPATIONAL ILLNESS COMPENSATION PROGRAM IN WESTERN NEW YORK AND WESTERN PENNSYLVANIA REGION.

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

(1) New York has 36 current or former Department of Energy facilities involved in nuclear weapons production-related activities statewide, mostly atomic weapons employer facilities, and 14 such facilities in western New York. Despite having one of the greatest concentrations of such facilities in the United States, western New York, and abutting areas of Pennsylvania, continue to be severely underserved by the Energy Employees Occupational Illness Compensation Program under the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384 et seq.).

(2) The establishment of a permanent resource center in western New York would represent a substantial step toward improving services under the Energy Employees Occupational Illness Compensation Program for energy employees in this region.

(3) The number of claims submitted to the Department under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 from the western New York region, including western Pennsylvania, exceeds the number of such claims filed at resource centers in Hanford, Washington, Portsmouth, Ohio, Los Alamos, New Mexico, the Nevada Test Site, Nevada, the Rocky Flats Environmental Technology Site, Colorado, the Idaho National Engineering Laboratory, Idaho, and the Amchitka Test Site, Alaska.

(4) Energy employees in the western New York region, including western Pennsylvania, deserve assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 commensurate with the assistance provided energy employees at other locations in the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate to encourage the Office of Ombudsman of the Department of Labor, as established by section 3669 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as amended by section 3161 of this Act), to—

(1) review the availability of assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 for energy employees in the western New York region, including western Pennsylvania; and

(2) recommend a location in that region for a resource center to provide such assistance to such energy employees.

SA 3437. Mr. MCCONNELL (for himself, Mr. BUNNING, Mr. BINGAMAN, Mr. GRASSLEY, Mrs. CLINTON, Mr. DOMENICI, Ms. CANTWELL, Mr. VOINOVICH, Mr. SCHUMER, Mr. ALEXANDER, Mr. KENNEDY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. DEWINE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle E—Energy Employees Occupational Illness Compensation Program

SEC. 3161. COVERAGE OF INDIVIDUALS EMPLOYED AT ATOMIC WEAPONS EMPLOYER FACILITIES DURING PERIODS OF RESIDUAL CONTAMINATION.

Paragraph (3) of section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384*l*) is amended to read as follows:

''(3) The term 'atomic weapons employee' means any of the following:

''(A) An individual employed by an atomic weapons employer during a period when the employer was processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling.

''(B) An individual employed—

''(i) at a facility with respect to which the National Institute for Occupational Safety and Health, in its report dated October 2003 and titled 'Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities', or any update to that report, found that there is a potential for significant residual contamination outside of the period in which weapons-related production occurred;

''(ii) by an atomic weapons employer or subsequent owner or operators of a facility described in clause (i); and

''(ii) during a period, as specified in such report or any update to such report, of potential for significant residual radioactive contamination at such facility.''.

SEC. 3162. UPDATE OF REPORT ON RESIDUAL CONTAMINATION OF FACILITIES.

(a) UPDATE OF REPORT.—Not later than December 31, 2006, the Director of the National Institute for Occupational Safety and Health shall submit to Congress an update to the report required by section 3151(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 42 U.S.C. 7384 note).

(b) ELEMENTS.—The update shall—

(1) for each facility for which such report found that insufficient information was available to determine whether significant residual contamination was present, determine whether significant residual contamination was present;

(2) for each facility for which such report found that significant residual contamination remained present as of the date of the report, determine the date on which such contamination ceased to be present;

(3) for each facility for which such report found that significant residual contamination was present but for which the Director has been unable to determine the extent to which such contamination is attributable to atomic weapons-related activities, identify the specific dates of coverage attributable to such activities and, in so identifying, presume that such contamination is attributable to such activities until there is evidence of decontamination of residual contamination identified with atomic weapons-related activities; and

(4) if new information that pertains to the report has been made available to the Director since that report was submitted, identify and describe such information.

(c) PUBLICATION.—The Director shall ensure that the report referred to in subsection (a) is published in the Federal Register not later than 15 days after being released.

SEC. 3163. WORKERS COMPENSATION.

(a) IN GENERAL.—Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7385*o*) is amended to read as follows:

''Subtitle D—Workers Compensation

''SEC. 3661. COVERED DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.

''(a) IN GENERAL.—In this subtitle, the term 'covered Department of Energy contractor employee' means any Department of Energy contractor employee determined under section 3663 to have contracted an occupational illness or covered illness through exposure at a Department of Energy facility.

''(b) EXCLUSION OF ILLNESS THROUGH EXPOSURE AFTER COMMENCEMENT OF NEW PROGRAM.—For purposes of this subtitle, an occupational illness or covered illness shall not include any illness contracted by a Department of Energy contractor employee through exposure at a Department of Energy facility if the exposure occurs after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005.

''SEC. 3662. WORKERS COMPENSATION.

''(a) IN GENERAL.—Except as provided in subsection (b), a covered Department of Energy contractor employee, or the survivor of a covered Department of Energy contractor employee if the covered Department of Energy contractor employee is deceased, shall receive workers compensation in an amount determined under section 3664.

''(b) ELECTION TO PROCEED UNDER STATE WORKERS' COMPENSATION SYSTEM.—(1) A Department of Energy contractor employee otherwise covered by this section may elect to seek workers' compensation under the appropriate State workers' compensation system for the occupational illness or covered illness of the covered Department of Energy contractor employee rather than seek workers compensation for the occupational illness or covered illness, as the case may be, under this subtitle.

''(2) Any Department of Energy contractor employee making an election under paragraph (1) who becomes entitled to workers' compensation under the appropriate State workers' compensation system following an election under that paragraph is not entitled to receive workers compensation under this subtitle.

''(c) FUNDING.—The Secretary of Labor shall make payments of workers compensation under this section from amounts authorized to be appropriated for such purpose under section 3670.

''SEC. 3663. DETERMINATIONS REGARDING CONTRACTION OF OCCUPATIONAL OR COVERED ILLNESSES.

''(a) EMPLOYEES COVERED BY PREVIOUS DETERMINATION OF ENTITLEMENT TO COMPENSATION AND BENEFITS.—(1) A Department of Energy contractor employee who has been determined to be entitled to compensation and benefits for an occupational illness contracted in the performance of duty at a Department of Energy facility under subtitle B shall be treated as having contracted the occupational illness through exposure at the Department of Energy facility for purposes of this subtitle.

''(2) A determination, pursuant to activities under paragraph (2) of section 3163(d) of the National Defense Authorization Act for Fiscal Year 2005 before or during the period of transition of administration of this subtitle to the Department of Labor under paragraph (1) of such section, that an individual contracted an occupational illness through exposure at a Department of Energy facility for purposes of this subtitle shall be valid for purposes of this subtitle.

''(b) OTHER EMPLOYEES.—In the case of a Department of Energy contractor employee not previously covered by a determination described in subsection (a) with respect to an occupational illness, the Department of Energy contractor employee shall be determined to have contracted an illness (in this subtitle referred to as a 'covered illness') through exposure at a Department of Energy facility for purposes of this subtitle if—

''(1) it is at least as likely as not that exposure to a toxic substance was a significant factor in aggravating, contributing to, or causing the illness; and

''(2) it is at least as likely as not that the exposure to such toxic substance was related to employment at a Department of Energy facility.

''(c) DETERMINATIONS REGARDING EMPLOYEES NOT PREVIOUSLY COVERED BY DETERMINATION OF ENTITLEMENT.—(1) The Secretary of Labor shall make each determination under subsection (b) as to whether or not a Department of Energy contractor employee described in that subsection contracted a covered illness related to employment at a Department of Energy facility.

''(2) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection. Any physicians so utilized shall possess appropriate expertise and experience in the evaluation and diagnosis of illnesses aggravated, contributed to, or caused by exposure to toxic substances.

''(3) The Secretary may secure the services of physicians under this subsection through the appointment of physicians or by contract.

''(4) The Secretary shall consult with the Secretary of Health and Human Services before utilizing the services of physicians for purposes of making determinations under this subsection.

SEC. 3664. AMOUNT OF WORKERS COMPENSATION.

''(a) IN GENERAL.—The amount of workers compensation payable to a covered Department of Energy contractor employee, or the eligible survivors of a covered Department of Energy contractor employee, for an occupational illness or covered illness under section 3662 is the amount of workers' compensation to which the Department of Energy contractor employee, or the eligible survivors, respectively, would otherwise be entitled for the occupational illness or covered illness, as the case may be, under the appropriate State workers' compensation system.

''(b) INAPPLICABILITY OF CERTAIN STATE WORKERS' COMPENSATION SYSTEM LIMITATIONS.—The amount of workers' compensation to which a covered Department of Energy contractor employee would otherwise be entitled under subsection (a) shall be determined without regard to any requirements under the appropriate State workers' compensation system for each of the following:

''(1) Statutes of limitation, or other rules limiting compensation to claims filed within a specified period after last exposure to a toxic substance or after last employment by an employer where the employee was exposed to a toxic substance.

''(2) Exposure rules, including minimum periods of exposure to toxic substances.

''(3) Causation rules more stringent that the standard in section 3663(b).

''(4) Burdens of proof, quantum of proof standards, or both more stringent than the standard in section 3663(b).

''(5) Return to work requirements, including obligations to participate in vocational rehabilitation and medical examinations connected with the ability to return to work.

''(6) Medical examinations in addition to medical examinations required by the Secretary of Labor for the application of section 3663 in determining causation or required by the Secretary of Labor for the application of subsection (c) in determining the amount of workers' compensation payable.

''(c) DETERMINATION OF AMOUNT.—(1) The Secretary of Labor shall determine the amount of workers compensation payable to each covered Department of Energy contractor employee under section 3662.

''(2)(A) The Secretary may utilize the assistance of the workers' compensation system personnel of any State in making determinations under paragraph (1).

''(B) The utilization of assistance under subparagraph (A) shall be in accordance with an agreement entered into by the Secretary and the chief executive officer of the State concerned.

''(C) An agreement under subparagraph (B) may provide for the Secretary to reimburse the State concerned for the costs of the State in providing assistance under the agreement.

''(3)(A) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection.

''(B) Any physicians utilized under subparagraph (A) shall possess appropriate expertise and experience in the evaluation and determination of the extent of permanent physical impairments.

''(C) The Secretary may secure the services of physicians under subparagraph (A) through the appointment of physicians or by contract.

''SEC. 3665. MEDICAL BENEFITS.

''(a) IN GENERAL.—A Department of Energy contractor employee eligible for workers compensation for an occupational illness or covered illness under this subtitle shall be furnished medical benefits specified in section 3629 for the occupational illness or covered illness, as the case may be, to the same extent, and under the same conditions and limitations, as an individual eligible for medical benefits under that section is furnished medical benefits under that section.

''(b) FUNDING.—Amounts for payments for medical benefits under this section shall be derived from amounts authorized to be appropriated for such purpose under section 3670.

''SEC. 3666. REVIEW OF CERTAIN DETERMINATIONS.

''(a) STATUS AS DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEE.—An individual may seek the review of a determination that the individual is not a Department of Energy contractor employee.

''(b) ELIGIBILITY AND AMOUNT OF WORKERS COMPENSATION.—A Department of Energy contractor employee may seek the review of any determination as follows:

''(1) A determination under section 3663(b) that the Department of Energy contractor employee is not a covered Department of Energy contractor employee.

''(2) A determination under 3664 of the amount of workers compensation payable to the Department of Energy contractor employee under section 3662.

''(c) REVIEW.—(1) The review of a determination under subsection (a) or (b) shall be conducted by the Secretary of Labor in accordance with procedures applicable for the review of claims under sections 30.310 through 30.320 of title 20, Code of Federal Regulations, or any successor regulations.

''(2)(A) The review of a determination under subsection (b)(1) shall include review by a physician or physician panel.

''(B) Each physician or physician on a panel under subparagraph (A) shall be a physician with experience and competency in diagnosing illnesses aggravated, contributed to, or caused by exposure to toxic substances.

''(C) The Secretary of Labor may investigate any allegation that a physician appointed under this paragraph has a conflict of interest. If the Secretary of Labor determines that a conflict of interest exists, the Secretary shall notify the Secretary of Health and Human Services, who shall review the allegation.

''(D) Each review by a physician or physician panel under subparagraph (A) shall be conducted in accordance with such procedures as the Secretary shall prescribe.

''(3)(A) The results of each review under this subsection shall be submitted to the Secretary.

''(B) The Secretary shall accept the results of any portion of a review under this subsection that consists of a review by a physician or physician panel under paragraph (2) unless there is substantial evidence to the contrary.

''(d) REVERSAL OF DETERMINATIONS.—Except as provided in subsection (c)(3)(B), the Secretary of Labor may vacate or reverse any determination described in subsection in subsection (a) or (b) if the Secretary determines, as the result of a review of such determination under subsection (c), that such determination was erroneous.

''SEC. 3667. ATTORNEY FEES.

''(a) IN GENERAL.—Except as provided in subsection (b), the provisions of section 3648 shall apply to the availability of attorney fees for assistance on a claim under this subtitle to the same extent, and subject to the same conditions and limitations, that such provisions apply to the availability of attorney fees for assistance on a claim under subtitle B.

''(b) ATTORNEY FEE SCHEDULE.—(1) The Secretary of Labor may, by regulation, modify the application of section 3648 to the availability of attorney fees under this subtitle to establish a schedule for attorney fees under this subtitle that will ensure representation of claimants and appropriate compensation for such representation.

''(2) The amount of attorney fees for assistance on claims under the schedule of attorney fees shall take into appropriate account the nature and complexity of the legal issues involved in such claims and the procedural level at which assistance is given.

''SEC. 3668. ADMINISTRATIVE MATTERS.

''(a) IN GENERAL.—The Secretary of Labor shall administer the provisions of this subtitle.

''(b) CONTRACT AUTHORITY.—(1) The Secretary may enter into contracts with appropriate persons and entities in order to administer the provisions of this subtitle.

''(2) The authority of the Secretary to enter into contracts under this subtitle shall be effective in any fiscal year only to the extent and in such amount as are provided in advance in appropriations Acts.

''(c) RECORDS.—(1)(A) The Secretary of Energy shall provide to the Secretary of Labor all records, files, and other data, whether paper, electronic, imaged, or otherwise, developed by the Secretary of Energy that are applicable to the administration of the provisions of this subtitle by the Secretary of Labor, including records, files, and data on facility industrial hygiene, employment of individuals or groups, exposure and medical records, and claims applications.

''(B) In providing records, files, and other data under this paragraph, the Secretary of Energy shall preserve the current organization of such records, files, and other data, and shall provide such description and indexing of such records, files, and other data as the Secretary of Energy and the Secretary of Labor jointly consider appropriate to facilitate their use by the Secretary of Labor for purposes of this subtitle.

''(2) The Secretary of Energy and the Secretary of Labor shall jointly undertake such actions as are appropriate to retrieve records applicable to the claims of Department of Energy contractor employees for workers compensation under this subtitle, including employment records, records of exposure to beryllium, radiation, silicon, or metals or volatile organic chemicals, and records regarding medical treatment.

''(d) REGULATIONS.—The Secretary of Labor shall prescribe regulations necessary for the administration of the provisions of this subtitle.

''SEC. 3669. OFFICE OF OMBUDSMAN.

''(a) ESTABLISHMENT.—There is established in the Department of Labor an office to be known as the 'Office of the Ombudsman' (in this section referred to as the 'Office').

''(b) HEAD.—The head of the Office shall be the Ombudsman. The individual serving as Ombudsman shall be either of the following:

''(1) An officer or employee of the Department of Labor designated by the Secretary for purposes of this section from among officers and employees of the Department who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

''(2) An individual employed by the Secretary from the private sector from among individuals in the private sector who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

''(c) DUTIES.—The duties of the Office shall be as follows:

''(1) To assist individuals in making claims under this subtitle.

''(2) To provide information on the benefits available under this subtitle and on the requirements and procedures applicable to the provision of such benefits.

''(3) To act as an advocate on behalf of individuals seeking benefits under this subtitle.

''(4) To make recommendations to the Secretary regarding the location of centers (to be known as 'resource centers') for the acceptance and development of claims for benefits under this subtitle.

''(5) To carry out such other duties with respect to this subtitle as the Secretary shall specify for purposes of this section.

''(d) INDEPENDENT OFFICE.—The Secretary shall take appropriate actions to ensure the independence of the Office within the Department of Labor, including independence from other officers and employees of the Department engaged in activities relating to the administration of the provisions of this subtitle.

''(e) ANNUAL REPORT.—(1) Not later than February 15 each year, the Ombudsman shall submit to Congress a report on activities under this subtitle.

''(2) Each report under paragraph (1) shall set forth the following:

''(A) The number and types of complaints, grievances, and requests for assistance received by the Ombudsman under this subtitle during the preceding year.

''(B) An assessment of the most common difficulties encountered by claimants and potential claimants under this subtitle during the preceding year.

''(C) Such recommendations as the Ombudsman considers appropriate for the improvement of the practices of the Department of Labor in administering this subtitle.

''(D) Such recommendations at the Ombudsman considers appropriate for modifying the authorities and requirements of this subtitle in order to better address the workers compensation interests of covered Department of Energy contractor employees and others, as determined by the Ombudsman, meriting benefits under this subtitle.

''(3) No official of the Department of Labor, or of any other department or agency of the Federal Government, may require the review or approval of a report of the Ombudsman under this subsection before the submittal of such report to Congress.

''(f) OUTREACH.—The Secretary of Labor and the Secretary of Health and Human Services shall each undertake outreach to advise the public of the existence and duties of the Office.

''SEC. 3670. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor for fiscal year 2005 and each fiscal year thereafter such sums as may be necessary in such fiscal year for—

''(1) the provision of compensation and benefits under this subtitle; and

''(2) the administration of the provisions of this subtitle.

''(b) AVAILABILITY WITHOUT FISCAL YEAR LIMITATION.—Amounts authorized to be appropriated by subsection (a) shall remain available without fiscal year limitation.

''(c) AVAILABILITY OF AMOUNTS SUBJECT TO APPROPRIATIONS ACTS.—The authority to provide compensation and benefits under this subtitle shall be effective in any fiscal year only to the extent and in such amounts as are provided in advance in appropriations Acts.''.

(b) CONFORMING AMENDMENT.—Section 3643 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385b) is amended by striking ''The acceptance'' and inserting ''Except as provided in subtitle D, the acceptance''.

(c) REGULATIONS.—The Secretary of Labor shall prescribe the regulations required by section 3668(d) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 120 days after the date of the enactment of this Act. The Secretary may prescribe interim final regulations necessary to meet the deadlines specified in the preceding sentence and subsection (d)(1).

(d) TRANSITION.—(1) The Secretary of Labor shall commence the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Energy and the Secretary of Labor shall jointly take such actions as are appropriate—

(A) to identify the activities under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as in effect on the day before the date of the enactment of this Act, that will continue under that subtitle, as amended by this section, upon the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1); and

(B) to ensure the continued discharge of such activities until the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1).

(3)(A) In carrying out activities under paragraph (2), the Secretary of Energy shall only conduct a causation review on a claim if the claim is completely prepared and awaiting review as of the date of the enactment of this Act.

(B) Activities under paragraph (2) on any claim covered by such activities that is not described by subparagraph (A) shall be carried out by the Secretary of Labor.

(e) PROVISION OF RECORDS.—The Secretary of Energy shall, to the maximum extent practicable, complete the provision of records to the Secretary of Labor under section 3668(c)(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 60 days after the date of the enactment of this Act.

(f) SITE PROFILES.—(1)(A) The Secretary of Labor shall prepare a site profile for each of the 14 Department of Energy facilities that have received the most number of claims for compensation and benefits under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 as of the date of the enactment of this Act.

(B) The Secretary of Labor shall prepare a site profile under subparagraph (A) utilizing the former worker medical screening programs of the Department of Energy.

(2) If the Secretary of Labor determines that the preparation of a site profile for a facility cannot be performed under paragraph (1) because no worker medical screening activities occurred for the facility, or that preparation of the profile is otherwise impracticable, the site profile for the facility shall be prepared by the National Institute of Occupational Safety and Health.

(3) All site profiles required by this subsection shall be completed not later than 210 days after the date of the enactment of this Act.

(4) The Secretary of Energy shall provide the Secretary of Labor with any support that the Secretary of Labor considers necessary for carrying out this subsection.

(5) In this subsection, the term ''site profile'', in the case of a Department of Energy facility, means an exposure assessment that—

(A) identifies any processes and toxic substances used in the facility;

(B) establishes the times in which such toxic substances were used in the facility; and

(C) establishes the degree of exposure to such toxic substances taking into account available records and studies and information on such processes and toxic substances.

(g) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Energy should—

(1) adopt a policy not to oppose any final positive determinations with respect to injured workers at Department of Energy facilities and atomic weapons employer facilities under State adjudication systems unless such determinations are frivolous; and

(2) incorporate the policy referred to in paragraph (1) in all Department of Energy contracts with non-Federal government entities to which such policy could apply.

(h) FUNDING FOR ADMINISTRATION IN FISCAL YEAR 2005.—(1) Of the amount authorized to be appropriated for fiscal year 2005 by section 3102(a)(1) for environmental management for defense site acceleration completion, $2,000,000 shall be available for purposes of the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, during fiscal year 2005.

(2) The Secretary of Energy shall transfer to the Secretary of Labor the amount available under paragraph (1) for the purposes specified in that paragraph.

(3) The Secretary of Labor shall utilize amounts transferred to the Secretary under paragraph (2) for the purposes specified in paragraph (1).

SEC. 3164. TERMINATION OF EFFECT OF OTHER ENHANCEMENTS OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Notwithstanding any other provision of this Act, section 3143, relating to enhancements of the Energy Employees Occupational Illness Compensation Program, shall have no force or effect, and the amendments specified in such section shall not be made.

SEC. 3165. SENSE OF SENATE ON RESOURCE CENTER FOR ENERGY EMPLOYEES UNDER ENERGY EMPLOYEE OCCUPATIONAL ILLNESS COMPENSATION PROGRAM IN WESTERN NEW YORK AND WESTERN PENNSYLVANIA REGION.

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

(1) New York has 36 current or former Department of Energy facilities involved in nuclear weapons production-related activities statewide, mostly atomic weapons employer facilities, and 14 such facilities in western New York. Despite having one of the greatest concentrations of such facilities in the United States, western New York, and abutting areas of Pennsylvania, continue to be severely underserved by the Energy Employees Occupational Illness Compensation Program under the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384 et seq.).

(2) The establishment of a permanent resource center in western New York would represent a substantial step toward improving services under the Energy Employees Occupational Illness Compensation Program for energy employees in this region.

(3) The number of claims submitted to the Department under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 from the western New York region, including western Pennsylvania, exceeds the number of such claims filed at resource centers in Hanford, Washington, Portsmouth, Ohio, Los Alamos, New Mexico, the Nevada Test Site, Nevada, the Rocky Flats Environmental Technology Site, Colorado, the Idaho National Engineering Laboratory, Idaho, and the Amchitka Test Site, Alaska.

(4) Energy employees in the western New York region, including western Pennsylvania, deserve assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 commensurate with the assistance provided energy employees at other locations in the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate to encourage the Office of Ombudsman of the Department of Labor, as established by section 3669 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as amended by section 3163 of this Act), to—

(1) review the availability of assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 for energy employees in the western New York region, including western Pennsylvania; and

(2) recommend a location in that region for a resource center to provide such assistance to such energy employees.

SA 3438. Mr. MCCONNELL (for himself, Mr. BUNNING, Mr. BINGAMAN, Mr. GRASSLEY, Mrs. CLINTON, Mr. DOMENICI, Ms. CANTWELL, Mr. VOINOVICH, Mr. SCHUMER, Mr. ALEXANDER, Mr. KENNEDY, Ms. MURKOWSKI, Mrs. MURRAY, Mr. DEWINE, and Mr. TALENT) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle E—Energy Employees Occupational Illness Compensation Program

SEC. 3161. COVERAGE OF INDIVIDUALS EMPLOYED AT ATOMIC WEAPONS EMPLOYER FACILITIES DURING PERIODS OF RESIDUAL CONTAMINATION.

(a) COVERAGE.—Paragraph (3) of section 3621 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384*l*) is amended to read as follows:

''(3) The term 'atomic weapons employee' means any of the following:

''(A) An individual employed by an atomic weapons employer during a period when the employer was processing or producing, for the use by the United States, material that emitted radiation and was used in the production of an atomic weapon, excluding uranium mining and milling.

''(B) An individual employed—

''(i) at a facility with respect to which the National Institute for Occupational Safety and Health, in its report dated October 2003 and titled 'Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities', or any update to that report, found that there is a potential for significant residual contamination outside of the period in which weapons-related production occurred;

''(ii) by an atomic weapons employer or subsequent owner or operators of a facility described in clause (i); and

''(iii) during a period, as specified in such report or any update to such report, of potential for significant residual radioactive contamination at such facility.''.

(b) FUNDING OFFSET RELATING TO EXTENSION OF CUSTOMS USER FEES.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended—

(1) by striking ''Fees'' and inserting ''(A) Except as provided in subparagraph (B), fees''; and

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

''(B) Fees may not be charged under paragraphs (1) through (8) of subsection (a) after June 1, 2005.''.

SEC. 3162. UPDATE OF REPORT ON RESIDUAL CONTAMINATION OF FACILITIES.

(a) UPDATE OF REPORT.—Not later than December 31, 2006, the Director of the National Institute for Occupational Safety and Health shall submit to Congress an update to the report required by section 3151(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 42 U.S.C. 7384 note).

(b) ELEMENTS.—The update shall—

(1) for each facility for which such report found that insufficient information was available to determine whether significant residual contamination was present, determine whether significant residual contamination was present;

(2) for each facility for which such report found that significant residual contamination remained present as of the date of the report, determine the date on which such contamination ceased to be present;

(3) for each facility for which such report found that significant residual contamination was present but for which the Director has been unable to determine the extent to which such contamination is attributable to atomic weapons-related activities, identify the specific dates of coverage attributable to such activities and, in so identifying, presume that such contamination is attributable to such activities until there is evidence of decontamination of residual contamination identified with atomic weapons-related activities; and

(4) if new information that pertains to the report has been made available to the Director since that report was submitted, identify and describe such information.

(c) PUBLICATION.—The Director shall ensure that the report referred to in subsection (a) is published in the Federal Register not later than 15 days after being released.

SEC. 3163. WORKERS COMPENSATION.

(a) IN GENERAL.—Subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7385*o*) is amended to read as follows:

"Subtitle D—Workers Compensation

"SEC. 3661. COVERED DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEES.

''(a) IN GENERAL.—In this subtitle, the term 'covered Department of Energy contractor employee' means any Department of Energy contractor employee determined under section 3663 to have contracted an occupational illness or covered illness through exposure at a Department of Energy facility.

''(b) EXCLUSION OF ILLNESS THROUGH EXPOSURE AFTER COMMENCEMENT OF NEW PROGRAM.—For purposes of this subtitle, an occupational illness or covered illness shall not include any illness contracted by a Department of Energy contractor employee through exposure at a Department of Energy facility if the exposure occurs after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2005.

"SEC. 3662. WORKERS COMPENSATION.

''(a) IN GENERAL.—Except as provided in subsection (b), a covered Department of Energy contractor employee, or the survivor of a covered Department of Energy contractor employee if the covered Department of Energy contractor employee is deceased, shall receive workers compensation in an amount determined under section 3664.

''(b) ELECTION TO PROCEED UNDER STATE WORKERS' COMPENSATION SYSTEM.—(1) A Department of Energy contractor employee otherwise covered by this section may elect to seek workers' compensation under the appropriate State workers' compensation system for the occupational illness or covered illness of the covered Department of Energy contractor employee rather than seek workers compensation for the occupational illness or covered illness, as the case may be, under this subtitle.

''(2) Any Department of Energy contractor employee making an election under paragraph (1) who becomes entitled to workers' compensation under the appropriate State workers' compensation system following an election under that paragraph is not entitled to receive workers compensation under this subtitle.

''(c) FUNDING.—The Secretary of Labor shall make payments of workers compensation under this section from amounts authorized to be appropriated for such purpose under section 3670.

"SEC. 3663. DETERMINATIONS REGARDING CONTRACTION OF OCCUPATIONAL OR COVERED ILLNESSES.

''(a) EMPLOYEES COVERED BY PREVIOUS DETERMINATION OF ENTITLEMENT TO COMPENSATION AND BENEFITS.—(1) A Department of Energy contractor employee who has been determined to be entitled to compensation and benefits for an occupational illness contracted in the performance of duty at a Department of Energy facility under subtitle B

shall be treated as having contracted the occupational illness through exposure at the Department of Energy facility for purposes of this subtitle.

''(2) A determination, pursuant to activities under paragraph (2) of section 3163(d) of the National Defense Authorization Act for Fiscal Year 2005 before or during the period of transition of administration of this subtitle to the Department of Labor under paragraph (1) of such section, that an individual contracted an occupational illness through exposure at a Department of Energy facility for purposes of this subtitle shall be valid for purposes of this subtitle.

''(b) OTHER EMPLOYEES.—In the case of a Department of Energy contractor employee not previously covered by a determination described in subsection (a) with respect to an occupational illness, the Department of Energy contractor employee shall be determined to have contracted an illness (in this subtitle referred to as a 'covered illness') through exposure at a Department of Energy facility for purposes of this subtitle if—

''(1) it is at least as likely as not that exposure to a toxic substance was a significant factor in aggravating, contributing to, or causing the illness; and

''(2) it is at least as likely as not that the exposure to such toxic substance was related to employment at a Department of Energy facility.

''(c) DETERMINATIONS REGARDING EMPLOYEES NOT PREVIOUSLY COVERED BY DETERMINATION OF ENTITLEMENT.—(1) The Secretary of Labor shall make each determination under subsection (b) as to whether or not a Department of Energy contractor employee described in that subsection contracted a covered illness related to employment at a Department of Energy facility.

''(2) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection. Any physicians so utilized shall possess appropriate expertise and experience in the evaluation and diagnosis of illnesses aggravated, contributed to, or caused by exposure to toxic substances.

''(3) The Secretary may secure the services of physicians under this subsection through the appointment of physicians or by contract.

''(4) The Secretary shall consult with the Secretary of Health and Human Services before utilizing the services of physicians for purposes of making determinations under this subsection.

SEC. 3664. AMOUNT OF WORKERS COMPENSATION.

''(a) IN GENERAL.—The amount of workers compensation payable to a covered Department of Energy contractor employee, or the eligible survivors of a covered Department of Energy contractor employee, for an occupational illness or covered illness under section 3662 is the amount of workers' compensation to which the Department of Energy contractor employee, or the eligible survivors, respectively, would otherwise be entitled for the occupational illness or covered illness, as the case may be, under the appropriate State workers' compensation system.

''(b) INAPPLICABILITY OF CERTAIN STATE WORKERS' COMPENSATION SYSTEM LIMITATIONS.—The amount of workers' compensation to which a covered Department of Energy contractor employee would otherwise be entitled under subsection (a) shall be determined without regard to any requirements under the appropriate State workers' compensation system for each of the following:

''(1) Statutes of limitation, or other rules limiting compensation to claims filed within a specified period after last exposure to a toxic substance or after last employment by an employer where the employee was exposed to a toxic substance.

''(2) Exposure rules, including minimum periods of exposure to toxic substances.

''(3) Causation rules more stringent that the standard in section 3663(b).

''(4) Burdens of proof, quantum of proof standards, or both more stringent than the standard in section 3663(b).

''(5) Return to work requirements, including obligations to participate in vocational rehabilitation and medical examinations connected with the ability to return to work.

''(6) Medical examinations in addition to medical examinations required by the Secretary of Labor for the application of section 3663 in determining causation or required by the Secretary of Labor for the application of subsection (c) in determining the amount of workers' compensation payable.

''(c) DETERMINATION OF AMOUNT.—(1) The Secretary of Labor shall determine the amount of workers compensation payable to each covered Department of Energy contractor employee under section 3662.

''(2)(A) The Secretary may utilize the assistance of the workers' compensation system personnel of any State in making determinations under paragraph (1).

''(B) The utilization of assistance under subparagraph (A) shall be in accordance with an agreement entered into by the Secretary and the chief executive officer of the State concerned.

''(C) An agreement under subparagraph (B) may provide for the Secretary to reimburse the State concerned for the costs of the State in providing assistance under the agreement.

''(3)(A) The Secretary may utilize the services of physicians for purposes of making determinations under this subsection.

''(B) Any physicians utilized under subparagraph (A) shall possess appropriate expertise and experience in the evaluation and determination of the extent of permanent physical impairments.

''(C) The Secretary may secure the services of physicians under subparagraph (A) through the appointment of physicians or by contract.

''SEC. 3665. MEDICAL BENEFITS.

''(a) IN GENERAL.—A Department of Energy contractor employee eligible for workers compensation for an occupational illness or covered illness under this subtitle shall be furnished medical benefits specified in section 3629 for the occupational illness or covered illness, as the case may be, to the same extent, and under the same conditions and limitations, as an individual eligible for medical benefits under that section is furnished medical benefits under that section.

''(b) FUNDING.—Amounts for payments for medical benefits under this section shall be derived from amounts authorized to be appropriated for such purpose under section 3670.

''SEC. 3666. REVIEW OF CERTAIN DETERMINATIONS.

''(a) STATUS AS DEPARTMENT OF ENERGY CONTRACTOR EMPLOYEE.—An individual may seek the review of a determination that the individual is not a Department of Energy contractor employee.

''(b) ELIGIBILITY AND AMOUNT OF WORKERS COMPENSATION.—A Department of Energy contractor employee may seek the review of any determination as follows:

''(1) A determination under section 3663(b) that the Department of Energy contractor employee is not a covered Department of Energy contractor employee.

''(2) A determination under 3664 of the amount of workers compensation payable to the Department of Energy contractor employee under section 3662.

''(c) REVIEW.—(1) The review of a determination under subsection (a) or (b) shall be conducted by the Secretary of Labor in accordance with procedures applicable for the review of claims under sections 30.310 through 30.320 of title 20, Code of Federal Regulations, or any successor regulations.

''(2)(A) The review of a determination under subsection (b)(1) shall include review by a physician or physician panel.

''(B) Each physician or physician on a panel under subparagraph (A) shall be a physician with experience and competency in diagnosing illnesses aggravated, contributed to, or caused by exposure to toxic substances.

''(C) The Secretary of Labor may investigate any allegation that a physician appointed under this paragraph has a conflict of interest. If the Secretary of Labor determines that a conflict of interest exists, the Secretary shall notify the Secretary of Health and Human Services, who shall review the allegation.

''(D) Each review by a physician or physician panel under subparagraph (A) shall be conducted in accordance with such procedures as the Secretary shall prescribe.

''(3)(A) The results of each review under this subsection shall be submitted to the Secretary.

''(B) The Secretary shall accept the results of any portion of a review under this subsection that consists of a review by a physician or physician panel under paragraph (2) unless there is substantial evidence to the contrary.

''(d) REVERSAL OF DETERMINATIONS.—Except as provided in subsection (c)(3)(B), the Secretary of Labor may vacate or reverse any determination described in subsection in subsection (a) or (b) if the Secretary determines, as the result of a review of such determination under subsection (c), that such determination was erroneous.

''SEC. 3667. ATTORNEY FEES.

''(a) IN GENERAL.—Except as provided in subsection (b), the provisions of section 3648 shall apply to the availability of attorney fees for assistance on a claim under this subtitle to the same extent, and subject to the same conditions and limitations, that such provisions apply to the availability of attorney fees for assistance on a claim under subtitle B.

''(b) ATTORNEY FEE SCHEDULE.—(1) The Secretary of Labor may, by regulation, modify the application of section 3648 to the availability of attorney fees under this subtitle to establish a schedule for attorney fees under this subtitle that will ensure representation of claimants and appropriate compensation for such representation.

''(2) The amount of attorney fees for assistance on claims under the schedule of attorney fees shall take into appropriate account the nature and complexity of the legal issues involved in such claims and the procedural level at which assistance is given.

''SEC. 3668. ADMINISTRATIVE MATTERS.

''(a) IN GENERAL.—The Secretary of Labor shall administer the provisions of this subtitle.

''(b) CONTRACT AUTHORITY.—(1) The Secretary may enter into contracts with appropriate persons and entities in order to administer the provisions of this subtitle.

''(2) The authority of the Secretary to enter into contracts under this subtitle shall be effective in any fiscal year only to the extent and in such amount as are provided in advance in appropriations Acts.

''(c) RECORDS.—(1)(A) The Secretary of Energy shall provide to the Secretary of Labor all records, files, and other data, whether paper, electronic, imaged, or otherwise, developed by the Secretary of Energy that are

applicable to the administration of the provisions of this subtitle by the Secretary of Labor, including records, files, and data on facility industrial hygiene, employment of individuals or groups, exposure and medical records, and claims applications.

''(B) In providing records, files, and other data under this paragraph, the Secretary of Energy shall preserve the current organization of such records, files, and other data, and shall provide such description and indexing of such records, files, and other data as the Secretary of Energy and the Secretary of Labor jointly consider appropriate to facilitate their use by the Secretary of Labor for purposes of this subtitle.

''(2) The Secretary of Energy and the Secretary of Labor shall jointly undertake such actions as are appropriate to retrieve records applicable to the claims of Department of Energy contractor employees for workers compensation under this subtitle, including employment records, records of exposure to beryllium, radiation, silicon, or metals or volatile organic chemicals, and records regarding medical treatment.

''(d) REGULATIONS.—The Secretary of Labor shall prescribe regulations necessary for the administration of the provisions of this subtitle.

''SEC. 3669. OFFICE OF OMBUDSMAN.

''(a) ESTABLISHMENT.—There is established in the Department of Labor an office to be known as the 'Office of the Ombudsman' (in this section referred to as the 'Office').

''(b) HEAD.—The head of the Office shall be the Ombudsman. The individual serving as Ombudsman shall be either of the following:

''(1) An officer or employee of the Department of Labor designated by the Secretary for purposes of this section from among officers and employees of the Department who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

''(2) An individual employed by the Secretary from the private sector from among individuals in the private sector who have experience and expertise necessary to carry out the duties of the Office specified in subsection (c).

''(c) DUTIES.—The duties of the Office shall be as follows:

''(1) To assist individuals in making claims under this subtitle.

''(2) To provide information on the benefits available under this subtitle and on the requirements and procedures applicable to the provision of such benefits.

''(3) To act as an advocate on behalf of individuals seeking benefits under this subtitle.

''(4) To make recommendations to the Secretary regarding the location of centers (to be known as 'resource centers') for the acceptance and development of claims for benefits under this subtitle.

''(5) To carry out such other duties with respect to this subtitle as the Secretary shall specify for purposes of this section.

''(d) INDEPENDENT OFFICE.—The Secretary shall take appropriate actions to ensure the independence of the Office within the Department of Labor, including independence from other officers and employees of the Department engaged in activities relating to the administration of the provisions of this subtitle.

''(e) ANNUAL REPORT.—(1) Not later than February 15 each year, the Ombudsman shall submit to Congress a report on activities under this subtitle.

''(2) Each report under paragraph (1) shall set forth the following:

''(A) The number and types of complaints, grievances, and requests for assistance received by the Ombudsman under this subtitle during the preceding year.

''(B) An assessment of the most common difficulties encountered by claimants and potential claimants under this subtitle during the preceding year.

''(C) Such recommendations as the Ombudsman considers appropriate for the improvement of the practices of the Department of Labor in administering this subtitle.

''(D) Such recommendations at the Ombudsman considers appropriate for modifying the authorities and requirements of this subtitle in order to better address the workers compensation interests of covered Department of Energy contractor employees and others, as determined by the Ombudsman, meriting benefits under this subtitle.

''(3) No official of the Department of Labor, or of any other department or agency of the Federal Government, may require the review or approval of a report of the Ombudsman under this subsection before the submittal of such report to Congress.

''(f) OUTREACH.—The Secretary of Labor and the Secretary of Health and Human Services shall each undertake outreach to advise the public of the existence and duties of the Office.

''SEC. 3670. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Labor for fiscal year 2005 and each fiscal year thereafter such sums as may be necessary in such fiscal year for—

''(1) the provision of compensation and benefits under this subtitle; and

''(2) the administration of the provisions of this subtitle.

''(b) AVAILABILITY WITHOUT FISCAL YEAR LIMITATION.—Amounts authorized to be appropriated by subsection (a) shall remain available without fiscal year limitation.

''(c) AVAILABILITY OF AMOUNTS SUBJECT TO APPROPRIATIONS ACTS.—The authority to provide compensation and benefits under this subtitle shall be effective in any fiscal year only to the extent and in such amounts as are provided in advance in appropriations Acts.''.

(b) CONFORMING AMENDMENT.—Section 3643 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385b) is amended by striking ''The acceptance'' and inserting ''Except as provided in subtitle D, the acceptance''.

(c) REGULATIONS.—The Secretary of Labor shall prescribe the regulations required by section 3668(d) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 120 days after the date of the enactment of this Act. The Secretary may prescribe interim final regulations necessary to meet the deadlines specified in the preceding sentence and subsection (d)(1).

(d) TRANSITION.—(1) The Secretary of Labor shall commence the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Energy and the Secretary of Labor shall jointly take such actions as are appropriate—

(A) to identify the activities under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as in effect on the day before the date of the enactment of this Act, that will continue under that subtitle, as amended by this section, upon the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1); and

(B) to ensure the continued discharge of such activities until the commencement of the administration of that subtitle, as so amended, by the Secretary of Labor under paragraph (1).

(3)(A) In carrying out activities under paragraph (2), the Secretary of Energy shall only conduct a causation review on a claim if the claim is completely prepared and awaiting review as of the date of the enactment of this Act.

(B) Activities under paragraph (2) on any claim covered by such activities that is not described by subparagraph (A) shall be carried out by the Secretary of Labor.

(e) PROVISION OF RECORDS.—The Secretary of Energy shall, to the maximum extent practicable, complete the provision of records to the Secretary of Labor under section 3668(c)(1) of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, not later than 60 days after the date of the enactment of this Act.

(f) SITE PROFILES.—(1)(A) The Secretary of Labor shall prepare a site profile for each of the 14 Department of Energy facilities that have received the most number of claims for compensation and benefits under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 as of the date of the enactment of this Act.

(B) The Secretary of Labor shall prepare a site profile under subparagraph (A) utilizing the former worker medical screening programs of the Department of Energy.

(2) If the Secretary of Labor determines that the preparation of a site profile for a facility cannot be performed under paragraph (1) because no worker medical screening activities occurred for the facility, or that preparation of the profile is otherwise impracticable, the site profile for the facility shall be prepared by the National Institute of Occupational Safety and Health.

(3) All site profiles required by this subsection shall be completed not later than 210 days after the date of the enactment of this Act.

(4) The Secretary of Energy shall provide the Secretary of Labor with any support that the Secretary of Labor considers necessary for carrying out this subsection.

(5) In this subsection, the term ''site profile'', in the case of a Department of Energy facility, means an exposure assessment that—

(A) identifies any processes and toxic substances used in the facility;

(B) establishes the times in which such toxic substances were used in the facility; and

(C) establishes the degree of exposure to such toxic substances taking into account available records and studies and information on such processes and toxic substances.

(g) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Energy should—

(1) adopt a policy not to oppose any final positive determinations with respect to injured workers at Department of Energy facilities and atomic weapons employer facilities under State adjudication systems unless such determinations are frivolous; and

(2) incorporate the policy referred to in paragraph (1) in all Department of Energy contracts with non-Federal government entities to which such policy could apply.

(h) FUNDING FOR ADMINISTRATION IN FISCAL YEAR 2005.—(1) Of the amount authorized to be appropriated for fiscal year 2005 by section 3102(a)(1) for environmental management for defense site acceleration completion, $2,000,000 shall be available for purposes of the administration of the provisions of subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended by this section, during fiscal year 2005.

(2) The Secretary of Energy shall transfer to the Secretary of Labor the amount available under paragraph (1) for the purposes specified in that paragraph.

(3) The Secretary of Labor shall utilize amounts transferred to the Secretary under paragraph (2) for the purposes specified in paragraph (1).

SEC. 3164. TERMINATION OF EFFECT OF OTHER ENHANCEMENTS OF ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

Notwithstanding any other provision of this Act, section 3143, relating to enhancements of the Energy Employees Occupational Illness Compensation Program, shall have no force or effect, and the amendments specified in such section shall not be made.

SEC. 3165. SENSE OF SENATE ON RESOURCE CENTER FOR ENERGY EMPLOYEES UNDER ENERGY EMPLOYEE OCCUPATIONAL ILLNESS COMPENSATION PROGRAM IN WESTERN NEW YORK AND WESTERN PENNSYLVANIA REGION.

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

(1) New York has 36 current or former Department of Energy facilities involved in nuclear weapons production-related activities statewide, mostly atomic weapons employer facilities, and 14 such facilities in western New York. Despite having one of the greatest concentrations of such facilities in the United States, western New York, and abutting areas of Pennsylvania, continue to be severely underserved by the Energy Employees Occupational Illness Compensation Program under the Energy Employees Occupational Illness Compensation Program Act of 2000 (title XXXVI of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398); 42 U.S.C. 7384 et seq.).

(2) The establishment of a permanent resource center in western New York would represent a substantial step toward improving services under the Energy Employees Occupational Illness Compensation Program for energy employees in this region.

(3) The number of claims submitted to the Department under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 from the western New York region, including western Pennsylvania, exceeds the number of such claims filed at resource centers in Hanford, Washington, Portsmouth, Ohio, Los Alamos, New Mexico, the Nevada Test Site, Nevada, the Rocky Flats Environmental Technology Site, Colorado, the Idaho National Engineering Laboratory, Idaho, and the Amchitka Test Site, Alaska.

(4) Energy employees in the western New York region, including western Pennsylvania, deserve assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 commensurate with the assistance provided energy employees at other locations in the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate to encourage the Office of Ombudsman of the Department of Labor, as established by section 3669 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (as amended by section 3163 of this Act), to—

(1) review the availability of assistance under subtitle B of the Energy Employees Occupational Illness Compensation Program Act of 2000 for energy employees in the western New York region, including western Pennsylvania; and

(2) recommend a location in that region for a resource center to provide such assistance to such energy employees.

SA 3439. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. DESIGNATION.

Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2697. Designation of the Ronald Reagan National Defense Building

''(a) DESIGNATION.—The Pentagon Office Building located in Arlington, Virginia shall be known and designated as the 'Ronald Reagan National Defense Building'.

''(b) REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Pentagon Office Building referred to in subsection (a) shall be deemed to be a reference to the 'Ronald Reagan National Defense Building'.''.

SA 3440. Mr. ENSIGN (for himself, Mr. GRAHAM of South Carolina, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

On page 272, after the matter following line 18, insert the following:

SEC. 1055. UNITED NATIONS OIL-FOR-FOOD PROGRAM

(a) RESPONSIBILITY OF INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE FOR SECURITY OF DOCUMENTS.—(1) The Inspector General of the Department of Defense, in cooperation with the Director of the Defense Contract Audit Agency and the Director of the Defense Contract Management Agency, shall ensure, not later than June 30, 2004, the security of all documents relevant to the United Nations Oil-for-Food Program that are in the possession or control of the Coalition Provisional Authority.

(2) The Inspector General shall maintain copies of all such documents in the United States at the Department of Defense.

(b) COOPERATION IN INVESTIGATIONS.—Each head of an Executive agency, including the Department of State, the Department of Defense, the Department of the Treasury, and the Central Intelligence Agency, and the Administrator of the Coalition Provisional Authority shall, upon a request in connection with an investigation of the United Nations Oil-for-Food Program made by the chairman of the Committee on Foreign Relations, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Governmental Affairs, the Select Committee on Intelligence, or other committee of the Senate with relevant jurisdiction, promptly provide to such chairman access to such information and documents under the control of such agency as are responsive to the request, and assistance relating to access to and utilization of such information and documents.

(c) INFORMATION FROM THE UNITED NATIONS.—(1) The President shall instruct the Secretary of State and the United States Representative to the United Nations to request from the United Nations copies of all audits and core documents related to the United Nations Oil-for-Food Program.

(2) It is the sense of Congress that, pursuant to section 941(b)(6) of the United Nations Reform Act of 1999 (title IX of division A of H.R. 3427 of the 106th Congress, as enacted into law by section 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A-480), the Comptroller General of the United States should have full and complete access to financial data relating to the United Nations, including information related to the financial transactions, organization, and activities of the United Nations Oil-for-Food Program.

(3) The Secretary of State shall facilitate the providing of access to the Comptroller General to the financial data described in paragraph (2).

(d) REVIEW OF OIL-FOR-FOOD PROGRAM BY COMPTROLLER GENERAL.—(1) The Comptroller General of the United States shall conduct a review of United States oversight of the United Nations Oil-for-Food Program. In accordance with Generally Accepted Government Auditing Standards, the review should not interfere with any ongoing investigations or inquiries related to the Oil-for-Food program.

(2) The head of each Executive agency shall fully cooperate with the review under this subsection.

(e) EXECUTIVE AGENCY DEFINED.—In this section, the term ''Executive agency'' has the meaning given that term in section 105 of title 5, United States Code.

SA 3441. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 868. ACQUISITION OF AERIAL REFUELING AIRCRAFT FOR THE AIR FORCE.

Before committing to the acquisition of any aerial refueling aircraft for the Air Force, the Secretary of the Air Force shall comply with the statutory provisions regarding operational test and evaluation by providing for full operational test and evaluation of such aircraft in a fully coordinated Test and Evaluation Master Plan.

SEC. 869. INTEGRATED SUPPORT FOR AERIAL REFUELING AIRCRAFT UNDER THE TANKER PROGRAM OF THE AIR FORCE.

(a) SELECTION OF PROVIDER OF SUPPORT.—For the selection of a provider of integrated support for the tanker aircraft fleet under the tanker lease program of the Air Force, the Secretary of the Air Force shall—

(1) before selecting the provider, perform all analyses required by law of—

(A) the costs and benefits of—

(i) the alternative of using Federal Government personnel to provide such support; and

(ii) the alternative of using contractor personnel to provide such support;

(B) the core logistics requirements;

(C) use of performance-based logistics; and

(D) the length of contract period; and

(2) select the provider on the basis of full and open competition that has been conducted fairly.

(b) DEFINITION.—In this section, the term ''full and open competition'' has the meaning

given such term in section 4(6) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(6)).

SA 3442. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 868. LEASING OF AERIAL REFUELING AIRCRAFT FOR THE AIR FORCE.

(a) COMMERCIAL ITEM PROCUREMENT.—The Assistant Secretary of the Air Force (Acquisition) shall discontinue the commercial item procurement strategy for the leasing of aerial refueling aircraft for the Air Force and replace fixed-price contracts for initial development, modification, and integrated fleet support with cost or fixed-price incentive type contracts that would require the aircraft manufacturer to provide cost or pricing data directly to the Government.

(b) COST OR PRICING DATA.—Before the Secretary of the Air Force commits to the leasing of any aerial refueling aircraft for the Air Force under the aerial refueling aircraft lease program of the Air Force, the aircraft manufacturer shall provide cost or pricing data for aerial refueling aircraft that reflects the prices at which the same item has been previously sold in identical quantities and negotiate prices for aircraft engines directly with the engine manufacturers.

(c) AUDIT SERVICES.—The Secretary of the Air Force shall contact the Office of the Inspector General for the Department of Defense for review and approval of any Air Force use of non-Federal audit services for any contract for the acquisition of aerial refueling aircraft under the tanker lease program of the Air Force.

(d) RESTRICTIONS.—(1) The Secretary of the Air Force shall not enter into a lease for any aerial refueling aircraft for the Air Force previously authorized under section 8159 of the Department of Defense Appropriations Act, 2002 or section 135 of the National Defense Authorization Act for Fiscal Year 2004 that provides for use of a public-private partnership, a special purpose entity, or any other form of third-party financing for leasing the aircraft.

(2) The Secretary of the Air Force shall not enter into the proposed lease for any aerial refueling aircraft for the Air Force until an entity independent of the Air Force (on the basis of a study not funded out of funds available to the Air Force) determines that leasing rather than purchasing aerial refueling aircraft for the Air Force represents the best value for the Government.

SA 3443. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 868. ACQUISITION OF AERIAL REFUELING AIRCRAFT FOR THE AIR FORCE.

Consistent with direction from the acting Under Secretary of Defense for Acquisition, Technology, and Logistics to the Secretary of the Air Force regarding the execution of an aerial refueling analysis of alternatives (AOA), the Secretary of the Air Force shall not enter into the proposed lease of any aerial refueling aircraft until the Secretary completes and certifies to a valid requirements document tailored to the joint service requirements of the warfighter for aerial refueling tankers (as set forth in the missions needs statement) and operational parameters for aerial refueling aircraft. The system specifications developed for the first spiral of aerial refueling aircraft shall include all threshold requirements that are set forth in the missions needs statement. While the requirements document is being developed, the Secretary of the Air Force shall not provide the contractor with anything other than answers to factual questions when asked. The Secretary of the Air Force shall not have other input or interaction with the contractor.

SA 3444. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 868. RESTRICTION ON LEASE OF AERIAL REFUELING AIRCRAFT BY THE AIR FORCE.

The Secretary of the Air Force shall not enter into a lease for any aerial refueling aircraft for the Air Force until—

(1) authority for the Secretary to enter into a lease-purchase contract for the procurement of such aircraft is provided in a law enacted after the date of the enactment of this Act; or

(2) in the case of a lease of such aircraft that provides for use of a public-private partnership, a special purpose entity, or any other form of third-party financing for leasing the aircraft, the Secretary has negotiated (or renegotiated) the lease terms to meet the requirements of Office of Management and Budget Circular A–11 (as revised for 2003) that are applicable to such an arrangement.

SA 3445. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 868. PROHIBITION OF LEASING OF CERTAIN AIRCRAFT FOR THE AIR FORCE.

(a) PROHIBITION.—The Secretary of the Air Force may not lease Boeing 767 aircraft for the Air Force.

(b) REPEAL OF EXISTING AUTHORITY.—(1) Section 135 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1413; 10 U.S.C. 2401a) is amended by striking subsections (a), (b), and (d).

(2) Section 8159 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2284) is amended—

(A) in subsection (a), by striking ''Boeing 767 aircraft and''; and

(B) in subsection (f), by striking ''100 Boeing 767 aircraft and''.

SA 3446. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. SENSE OF THE SENATE CONCERNING OIL MARKETS.

(a) FINDINGS.—Congress finds that—

(1) this Act authorizes $120,509,301,000 for operation and maintenance;

(2) the President's fiscal year 2005 budget request for the Department of Defense for operation and maintenance includes $2,889,655,000 for the purchase of fuel; and

(3) if left unchecked, the unprecedented cost of oil may force the Department of Defense to expend more funding than anticipated to meet its fuel needs.

(b) SENSE OF THE SENATE CONCERNING OIL MARKETS.—It is the sense of the Senate that, in order to ensure that the amount of funding authorized for fuel expenditures is adequate to meet the needs of the Department of Defense, the President should suspend deliveries of oil to the Strategic Petroleum Reserve and release 1,000,000 barrels of oil per day from the Strategic Petroleum Reserve for 30 days following the date of enactment of this Act and, if necessary, for an additional 30 days beyond that.

SA 3447. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1068. DESIGNATION.

(a) DESIGNATION.—The Missile Defense Agency shall be known and designated as the ''Ronald Reagan Missile Defense Agency''.

(b) REFERENCE.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Missile Defense Agency referred to in subsection (a) shall be deemed to be a reference to the ''Ronald Reagan Missile Defense Agency''.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on

Tuesday, June 8, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on S. 2436, a bill to reauthorize the Native American Programs Act.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, June 9, 2004, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting on pending committee matters, to be followed immediately by an oversight hearing on the implementation in Native American communities of the ''No Child Left Behind Act.''

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources:

The hearing will be held on Thursday, June 10th, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony regarding crude oil supply, gasoline demand and the effects on prices.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Lisa Epifant at 202–224–5269 or Shane Perkins at 202–224–7555.

IN MEMORY OF RONALD WILSON REAGAN, 40TH PRESIDENT OF THE UNITED STATES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 371, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 371) relative to the death of Ronald Wilson Reagan, the 40th President of the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 371) was agreed to, as follows:

S. RES. 371

Resolved, That in recognition of the long and distinguished service rendered to the Nation by the late Ronald Wilson Reagan, the 40th President of the United States, when the Senate recesses or adjourns on each of the days during the period from June 7 through June 11, 2004, it do so as a further mark of respect to the memory of Ronald Wilson Reagan.

150TH ANNIVERSARY OF THE GRAND EXCURSION OF 1854

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 544, S. Con. Res. 5.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 5) expressing support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the bill be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 5) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 5

Whereas reaching the shores of the Mississippi River represented a major milestone for the westward expansion of the system of railroad infrastructure that began on the East Coast in the 1830s;

Whereas in 1854 the Chicago and Rock Island Railroad became the first railroad to reach the Mississippi River and that achievement was celebrated with a combined railroad and riverboat trip known as the ''Grand Excursion of 1854'';

Whereas the Grand Excursion of 1854 began in Chicago with a gathering of more than 1,000 dignitaries from professions encompassing the fields of government, education, business, journalism, and the arts, and included most prominently former United States President Millard Fillmore;

Whereas the excursion party of 1854 traveled from Chicago, Illinois, to Rock Island, Illinois, by train and then proceeded by boat from Rock Island to the present-day twin cities of Minneapolis, Minnesota, and St. Paul, Minnesota;

Whereas the Grand Excursion of 1854 is credited both with bringing the upper Mississippi Valley into the national spotlight and with solidifying Chicago's role as a major transportation hub;

Whereas communities located on the 419 mile stretch between Rock Island and Minneapolis are investing more than $5,000,000,000 in recreational, commercial, and environmental improvements to prepare for the celebration of the Grand Excursion in 2004;

Whereas an educational program in Illinois, Iowa, Wisconsin, and Minnesota will bring the history of the Mississippi River to life for thousands of students from kindergarten through 12th grade and will focus on the recreational, environmental, and commercial importance of the river;

Whereas the Grand Excursion celebration of 2004 will establish a series of permanent exhibits throughout the upper Mississippi River, recognizing the achievements of the many communities and celebrating the history of the Mississippi River;

Whereas the Grand Excursion, through its local, regional, national, and international marketing programs and initiatives, will communicate to the world the incredible attributes of the upper Mississippi River and will invite hundreds of thousands of visitors to the region to celebrate;

Whereas the National Park Service, along with other Federal, State, and local agencies and many other interested groups, is preparing activities to celebrate the sesquicentennial of the Grand Excursion in 2004, to educate local residents and visitors about the attributes of the river, and to commemorate the occasion by establishing future traditions that will improve community connections to the river; and

Whereas Grand Excursion, Inc. is organizing and coordinating the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) expresses its support for the work of all the Federal, State, and local entities, and the work of all interested groups that are preparing sesquicentennial activities to celebrate the 150th anniversary of the Grand Excursion of 1854;

(2) expresses its support for the events to be held in observance of the Grand Excursion of 1854 in Chicago, Rock Island, Moline, and Galena, Illinois, in Davenport, Clinton, and Dubuque, Iowa, in Prairie du Chien and La Crosse, Wisconsin, in Wabasha, Winona, Red Wing, Saint Paul, and Minneapolis, Minnesota, and in many other communities during the sesquicentennial observance; and

(3) calls on the President of the United States, the Secretary of Education, the Secretary of the Interior, the Secretary of Defense, the Assistant Secretary of the Army, the Director of the National Park Service, the Director of the United States Fish and Wildlife Service, other public officials, and the citizens of the United States to support, promote, and participate in the many sesquicentennial activities being planned to commemorate the Grand Excursion of 1854.

UNANIMOUS CONSENT AGREEMENT—S. 2400

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the filing deadline, the managers be permitted to introduce managers' amendments which have been cleared by the chairman and ranking member.

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

Mr. FRIST. Mr. President, I further ask unanimous consent that the order with respect to the pending Kennedy amendment be delayed to begin under the same provisions on Tuesday, June 15.

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

ORDERS FOR TUESDAY, JUNE 8, 2004

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m., on Tuesday, June 8. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business with Senators permitted to speak for up to 10 minutes each. I further ask that the Senate recess from 12:30 to 2:15 for the weekly policy luncheons to meet.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, the Senate will be in a period for morning business to allow Senators to pay tribute to President Reagan. As I stated earlier today, we will delay action on the Defense bill until next week. We do now have copies at the desk of all amendments that may be offered to the Defense authorization bill. Although we will not be debating those amendments on the floor this week, we now have an opportunity for the chairman and ranking member to review the language of the amendments.

Tomorrow we will also be considering any additional resolutions relating to the passing of our former President and therefore rollcall votes may occur. However, no rollcall votes will occur prior to the recess for the party policy luncheons tomorrow.

I would also remind my colleagues that when the Senate completes its business on Wednesday afternoon, we will adjourn until Monday, June 14 to accommodate the ceremony and services relating to the death of President Ronald Reagan. Having said that, I invite my colleagues to come to the floor over the course of the next 2 days to express themselves during this solemn time.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are totally comfortable and think the leader has done the right thing regarding the schedule. It is totally appropriate and we will, of course, cooperate as much as we can to make sure we do our work on the Defense bill next week. It is important legislation, and we need to complete that.

I direct a question, through the Chair, to the distinguished majority leader. There will be some votes, or at least one vote, tomorrow on some resolutions, I would assume. Does the majority leader have any idea when?

Mr. FRIST. Mr. President, we should continue our conversation. We will be voting on several resolutions in all likelihood. Whether there will be rollcall votes has not been determined. I expect that through joint discussions we will decide whether rollcall votes will be necessary. We certainly will not be voting, as we talked earlier, before 2:15. It may be that we will have no rollcall votes tomorrow, but that decision will be made with further discussion among the leadership.

ADJOURNMENT UNTIL 9:45 TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 371, as a further mark of respect to the memory of Ronald Wilson Reagan.

There being no objection, the Senate, at 6:03 p.m., adjourned until Tuesday, June 8, 2004, at 9:45 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, June 8, 2004 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 9

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine completing the digital television transition.
SR–253

Foreign Relations
To hold hearings to examine international intellectual property piracy.
SD–419

10 a.m.
Governmental Affairs
To hold hearings to examine the amount the Department of Defense spends on unused airline tickets.
SD–342

Judiciary
To hold an oversight hearing on activities of the Department of Homeland Security, focusing on terrorism and other related topics.
SD–226

Intelligence
Closed business meeting to consider pending intelligence matters.
SH–219

2 p.m.
Conferees
Meeting of conferees on H.R. 3550, to authorize funds for Federal-aid highways, highway safety programs, and transit programs.
SD–106

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine successes in the field of adult stem cell research.
SR–253

JUNE 10

9:30 a.m.
Commerce, Science, and Transportation
Oceans, Fisheries and Coast Guard Subcommittee
To hold hearings to examine S. 2066, to authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2004, 2005, 2006, 2007, and 2008.
SR–253

JUNE 14

3 p.m.
Foreign Relations
To hold hearings to examine the nominations of Thomas Fingar, of Virginia, to be Assistant Secretary of State for Intelligence and Research, Ralph Leo Boyce, Jr., of Virginia, to be Ambassador to Thailand, James R. Kunder, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, and Suzanne Hale, of Virginia, to be Ambassador to Micronesia.
SD–419

JUNE 15

9:30 a.m.
Foreign Relations
To hold hearings to examine the status report on the global partnership against weapons of mass destruction relating to the Sea Island G8 Summit.
SD–419

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nomination of Alan Greenspan, of New York, to be Chairman of the Board of Governors of the Federal Reserve System.
SD–538

2:30 p.m.
Foreign Relations
To hold hearings to examine the current situation in Sudan.
SD–419

JUNE 16

9:30 a.m.
Foreign Relations
To hold a closed briefing on Pakistan counterterrorism cooperation.
S–407, Capitol

10 a.m.
Indian Affairs
Business meeting to consider pending calendar business; to be followed by a hearing to examine S. 1530, to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.
SR–485

2 p.m.
Foreign Relations
To hold hearings to examine the nominations of Charles P. Ries, of the District of Columbia, to be Ambassador to Greece, Tom C. Korologos, of the District of Columbia, to be Ambassador to Belgium, and John Marshall Evans, of the District of Columbia, to be Ambassador to the Republic of Armenia.
SD–419

Indian Affairs
To hold hearings to examine S. 1996, to enhance and provide to the Oglada Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program.
SR–485

JUNE 17

9:30 a.m.
Foreign Relations
To hold hearings to examine Council of Europe Convention on Cybercrime (the ''Cybercrime Convention'' or the ''Convention''), which was signed by the United States on November 23, 2001 (Treaty Doc. 108–11), United Nations Convention Against Transnational Organized Crime (the ''Convention''), as well as two supplementary protocols: (1) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and (2) the Protocol Against Smuggling of Migrants by Land, Sea and Air, which were adopted by the United Nations General Assembly on November 15, 2000. The Convention and Protocols were signed by the United States on December 13, 2000, at Palermo, Italy (Treaty Doc. 108–16), Inter-American Convention Against Terrorism (''Convention'') Adopted at the Thirty-second Regular Session of the General Assembly of the Organization of American States (''OAS'') Meeting in Bridgetown, Barbados, and signed by thirty countries, including the United States, on June 3, 2002 (Treaty Doc. 107–18), and Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures done at Brussels on June 26, 1999 (Treaty Doc. 108–6).
SD–419

3 p.m.
Foreign Relations
To hold hearings to examine the nominations of Anne W. Patterson, of Virginia, to be Deputy Representative of the United States of America to the United Nations, and to be a Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Deputy Representative of the United States of America to the United Nations, and James B. Cunningham, of Pennsylvania, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador, and to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.
SD–419

JUNE 23

10 a.m.
Indian Affairs
To hold an oversight hearing to examine Indian Tribal Detention facilities.
SR–485

SEPTEMBER 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.
345 CHOB

CANCELLATIONS

JUNE 9

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

JUNE 10

9:30 a.m.
Foreign Relations
To receive a closed briefing regarding Iraq.
SD–419

10 a.m.
Energy and Natural Resources
To hold hearings to examine crude oil supply, gasoline demands and the effects on prices.
SD–366

POSTPONEMENTS

JUNE 9

10 a.m.
Indian Affairs
To hold an oversight hearing to examine the No Child Left Behind Act; to be followed by a business meeting to consider pending calendar business.
SR–485

JUNE 10

9 a.m.
Armed Services
To hold hearings to examine the transition to sovereignty in Iraq, focusing on U.S. policy, ongoing military operations, and status of U.S. Armed Forces.
SH–216

JUNE 16

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the grounding of multi-engine fire-retardant aircraft, steps the Forest Service and Department of the Interior have taken to provide alternative aerial support for initial attack and extended attack fire fighting operations in the short run, and the feasibility and desirability of designing and implementing an inspection process to allow the use of multi-engine fire-retardant aircraft in the future.
SD–366

JUNE 24

10 a.m.
Foreign Relations
To hold hearings to examine U.S. policy toward Southeast Europe, focusing on unfinished business in the Balkans.
SH–216

Daily Digest

HIGHLIGHTS

Senate agreed to S. Res. 371, relative to the death of Ronald Wilson Reagan, 40th President of the United States.

Senate

Chamber Action

Routine Proceedings, pages S6485–S6593

Measures Introduced: Three bills and four resolutions were introduced, as follows: S. 2506–2508, S.J. Res. 39, S. Res. 370–371, and S. Con. Res. 115.

Page S6499

Measures Reported:

S. 2507, to amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs. (S. Rept. No. 108–279)

H.R. 1822, to designate the facility of the United States Postal Service located at 3751 West 6th Street in Los Angeles, California, as the ''Dosan Ahn Chang Ho Post Office''.

H.R. 2130, To redesignate the facility of the United States Postal Service located at 121 Kinderkamack Road in River Edge, New Jersey, as the ''New Bridge Landing Post Office''.

H.R. 2438, to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr. Post Office Building''.

H.R. 3029, to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the ''S. Truett Cathy Post Office Building''.

H.R. 3059, to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office''.

H.R. 3068, to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the ''Brigadier General (AUS-Ret.) John H. McLain Post Office''.

H.R. 3234, to designate the facility of the United States Postal Service located at 14 Chestnut Street in Liberty, New York, as the ''Ben R. Gerow Post Office Building''.

H.R. 3300, to designate the facility of the United States Postal Service located at 15500 Pearl Road in Strongsville, Ohio, as the ''Walter F. Ehrnfelt, Jr. Post Office Building''.

H.R. 3353, to designate the facility of the United States Postal Service located at 525 Main Street in Tarboro, North Carolina, as the ''George Henry White Post Office Building''.

H.R. 3536, to designate the facility of the United States Postal Service located at 210 Main Street in Malden, Illinois, as the ''Army Staff Sgt. Lincoln Hollinsaid Malden Post Office''.

H.R. 3537, to designate the facility of the United States Postal Service located at 185 State Street in Manhattan, Illinois, as the ''Army Pvt. Shawn Pahnke Manhattan Post Office''.

H.R. 3538, to designate the facility of the United States Postal Service located at 201 South Chicago Avenue in Saint Anne, Illinois, as the ''Marine Capt. Ryan Beaupre Saint Anne Post Office''.

H.R. 3690, to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the ''Barber Conable Post Office Building''.

H.R. 3733, to designate the facility of the United States Postal Service located at 410 Huston Street in Altamont, Kansas, as the ''Myron V. George Post Office''.

H.R. 3740, to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the ''Oscar Scott Woody Post Office Building''.

H.R. 3769, to designate the facility of the United States Postal Service located at 137 East Young High Pike in Knoxville, Tennessee, as the ''Ben Atchley Post Office Building''.

H.R. 3855, to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office".

H.R. 3917, to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office".

H.R. 3939, to redesignate the facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building".

H.R. 3942, to redesignate the facility of the United States Postal Service located at 7 Commercial Boulevard in Middletown, Rhode Island, as the "Rhode Island Veterans Post Office Building".

H.R. 4037, to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility".

H.R. 4176, to designate the facility of the United States Postal Service located at 122 West Elwood Avenue in Raeford, North Carolina, as the "Bobby Marshall Gentry Post Office Building".

H.R. 4299, to designate the facility of the United States Postal Service located at 410 South Jackson Road in Edinburg, Texas, as the "Dr. Miguel A. Nevarez Post Office Building".

S. 1596, to designate the facility of the United States Postal Service located at 255 North Main Street in Jonesboro, Georgia, as the "S. Truett Cathy Post Office Building".

S. 1763, to designate the facility of the United States Postal Service located at 14 Chestnut Street, in Liberty, New York, as the "Ben R. Gerow Post Office Building".

S. 2017, to designate the United States courthouse and post office building located at 93 Atocha Street in Ponce, Puerto Rico, and the "Luis A. Ferre United States Courthouse and Post Office Building".

S. 2104, to designate the facility of the United States Postal Service located at 2 West Main Street in Batavia, New York, as the "Barber Conable Post Office Building".

S. 2153, to designate the facility of the United States Postal Service located at 223 South Main Street in Roxboro, North Carolina, as the "Oscar Scott Woody Post Office Building".

S. 2214, to designate the facility of the United States Postal Service located at 3150 Great Northern Avenue in Missoula, Montana, as the "Mike Mansfield Post Office".

S. 2255, to designate the facility of the United States Postal Service located at 695 Marconi Boulevard in Copiague, New York, as the "Maxine S. Postal United States Post Office Building".

S. 2291, to redesignate the facility of the United States Postal Service located at 14–24 Abbott Road in Fair Lawn, New Jersey, as the "Mary Ann Collura Post Office Building".

S. 2415, to designate the facility of the United States Postal Service located at 4141 Postmark Drive, Anchorage, Alaska, as the "Robert J. Opinsky Post Office Building".

S. 2441, to designate the facility of the United States Postal Service located at 607 Pershing Drive in Laclede, Missouri, as the "General John J. Pershing Post Office".

S. 2442, to designate the facility of the United States Postal Service located at 475 Kell Farm Drive in Cape Girardeau, Missouri, as the "Richard G. Wilson Processing and Distribution Facility".

Pages S6498–99

Measures Passed:

Authorizing the Use of the Rotunda: Senate agreed to S. Con. Res. 115, authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Ronald Wilson Reagan, 40th President of the United States. **Pages S6485–86**

Controlled Substances Act Amendment: Senate passed S. 1887, to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices. **Pages S6490–91**

Relative to the Death of Ronald Wilson Reagan: Senate agreed to S. Res. 371, relative to the death of Ronald Wilson Reagan, the 40th President of the United States. **Page S6592**

Supporting Grand Excursion of 1854 150th Anniversary: Senate agreed to S. Con. Res. 5, expressing support for the celebration in 2004 of the 150th anniversary of the Grand Excursion of 1854.

Page S6592

Department of Defense Authorization Act—Agreement: The order of Friday, June 4, 2004, to resume consideration, on today, of S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, was vitiated. **Page S6485**

A unanimous-consent agreement was reached providing that, notwithstanding the filing deadline for first-degree amendments, the managers be permitted to introduce managers' amendments which have been cleared by the Chairman of the Committee on Armed Services, and the Ranking Member.

Page S6592

A unanimous-consent agreement was reached providing that the order of Friday, June 4, 2004, regarding the debate and disposition of Kennedy Amendment No. 3263, be delayed until Tuesday, June 15, 2004. **Page S6592**

Executive Communications: **Pages S6497–98**

Additional Cosponsors: **Page S6500**

Statements on Introduced Bills/Resolutions: **Pages S6500–02**

Additional Statements: **Page S6497**

Amendments Submitted: **Pages S6502–91**

Notices of Hearings/Meetings: **Pages S6591–92**

Adjournment: Senate met at 1:31 p.m., and as a further mark of respect to the memory of the late Honorable Ronald Wilson Reagan, 40th President of the United States, in accordance with S. Res. 371, adjourned at 6:03 p.m., until 9:45 a.m., on Tuesday, June 8, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6593.)

Committee Meetings

No committee meetings were held.

House of Representatives

The House was not in session today. It will meet next at 12:30 p.m., on Tuesday, June 8, 2004.

Committee Meetings

No committee meetings were held.

COMMITTEE MEETINGS FOR TUESDAY, JUNE 8, 2004

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Energy and Natural Resources: to hold hearings to examine the nomination of Suedeen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission, 10 a.m., SD–366.

Subcommittee on National Parks, to hold hearings to examine S. 931, to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land, S. 1678, to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, S. 2140, to expand the boundary of the Mount Rainier National Park, S. 2287, to adjust the boundary of the Barataria Preserve Unit of Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and S. 2469, to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation, 2:30 p.m., SD–366.

Committee on Finance: to hold hearings to examine the Medicare Drug Card, focusing on delivering savings for participating beneficiaries, 10 a.m., SD–215.

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the challenges and successes the U.S. Food and Drug Administration (FDA) has experienced since the passage of the Dietary Supplement Health and Education Act of 1994, 2:30 p.m., SD–342.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Aging, to hold hearings to examine the arthritis epidemic, 10 a.m., SD–430.

Committee on Indian Affairs: to hold hearings to examine S. 2436, to reauthorize the Native American Programs Act of 1974, 10 a.m., SR–485.

Committee on the Judiciary: to hold an oversight hearing on the activities of the Department of Justice, focusing on terrorism and other related topics, 10 a.m., SD–226.

Subcommittee on Constitution, Civil Rights and Property Rights, to hold hearings to examine hostility to religious expression in the public square, 2 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Rules, to consider H.R. 4503, Energy Policy Act of 2004, 5 p.m., H–313 Capitol.

Next Meeting of the SENATE

9:45 a.m., Tuesday, June 8

Senate Chamber

Program for Tuesday: Senate will be in a period of morning business.

(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, June 8

House Chamber

Program for Tuesday: To be announced.

Congressional Record

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