

AMENDMENTS SUBMITTED AND PROPOSED

SA 4890. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table.

SA 4891. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4892. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4893. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4894. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4895. Ms. MIKULSKI (for herself, Mr. SARBANES, and Mr. DAYTON) proposed an amendment to the bill H.R. 5631, supra.

SA 4896. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4897. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4898. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4899. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4900. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4901. Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4902. Mr. CONRAD (for himself, Mr. DORGAN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4903. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 5631, supra; which was ordered to lie on the table.

SA 4904. Mr. REID (for himself, Mr. DURBIN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. BAYH, Mr. KENNEDY, Mr. LAUTENBERG, Mr. CARPER, Ms. MIKULSKI, Mr. KERRY, Mr. SCHUMER, Mr. LEVIN, Mr. HARKIN, Mrs. CLINTON, Mr. ROCKEFELLER, Mr. OBAMA, Mr. DORGAN, Mr. MENENDEZ, Ms. STABENOW, Mr. DAYTON, and Mr. DODD) proposed an amendment to the bill H.R. 5631, supra.

SA 4905. Mr. STEVENS (for Mr. LEVIN) proposed an amendment to the bill H.R. 2066, to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

SA 4906. Mr. ROCKEFELLER proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes.

TEXT OF AMENDMENTS

SA 4890. Mr. NELSON of Nebraska submitted an amendment intended to

be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following: SEC. 8109. (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2007 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) JANUARY 1, 2007, INCREASE IN BASIC PAY.—Effective on January 1, 2007, the rates of monthly basic pay for members of the uniformed services are increased by 2.7 percent.

SA 4891. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . . . TRANSPARENCY IN FEDERAL FUNDING.

(a) SHORT TITLE.—This section may be cited as the “Transparency in Federal Funding Act of 2006”.

(b) FINDINGS.—Congress finds that—

(1) our system of Government has checks and balances, and it has come to the attention of Congress that executive branch departments and their component agencies occasionally retain a portion of funds appropriated by Congress to non-Federal entities;

(2) Members of Congress are required to provide justification for earmarks and, likewise, the executive branch should provide justification as to why earmarked funds are used for another purpose;

(3) our constituents are entitled to know, in advance, whether they will receive the full amount of an appropriation, so they can plan accordingly;

(4) the practice of skimming results in increased and unintentional spending in the Federal bureaucracy;

(5) the practice of widespread and unaccountable skimming is likely to result in artificially inflated appropriations requests in order to account for this skimming;

(6) full transparency with respect to skimming will lead to better decision-making by Members and staff when allocating constituent request amongst departments, agencies, and accounts; and

(7) accountability and transparency are vitally important to the legislative process.

(c) EARMARK.—In this section—

(1) the term “assistance” means budget authority, contract authority, loan authority, and other expenditures; and

(2) the term “earmark” means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance.

(d) DISCLOSURE AND REPORTING.—

(1) IN GENERAL.—Not later than January 31 of each year, each cabinet-level department and independent agency that administers a program for which funds are provided by this Act that contained an earmark in the preceding year shall report to Congress disclosing whether any portion of the earmarked funds in the preceding year were retained by the agency or any other organization tasked with distributing them.

(2) CONTENTS.—A report required by this subsection shall include an accounting of all funds retained including—

(A) how much money and the percentage retained;

(B) the purpose for which these retained funds were used;

(C) a justification for the purpose for which these funds were spent; and

(D) the authority by which the agency retained the funds.

SA 4892. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY”, up to \$1,000,000 may be available for the Nanotechnology Program (Pe #0601103).

SA 4893. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 206, strike lines 10 through 16.

SA 4894. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title III under the heading “OTHER PROCUREMENT, ARMY”, up to \$1,500,000 may be available for a Convoy Training Simulator for the Montana Army National Guard.

SA 4895. Ms. MIKULSKI (for herself, Mr. SARBANES, and Mr. DAYTON) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 218, between lines 6 and 7, insert the following:

SEC. 8109. None of the funds appropriated or otherwise made available by this Act may be used to enter into or carry out a contract for the performance by a contractor of any base operation support service at Walter Reed Army Medical Hospital pursuant to a private-public competition conducted under Office of Management and Budget Circular A-76 that was initiated on June 13, 2000, and has the solicitation number DADA 10-03-R-0001.

SA 4896. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under

the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$1,000,000 may be available for legged mobility robotic research.

SA 4897. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:
SEC. 8109. (a) ADDITIONAL AMOUNT FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.—The amount appropriated by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES" is hereby increased by \$700,000,000, with the amount of the increase designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

(b) AVAILABILITY.—Of the amount appropriated or otherwise made available by title VI under the heading "DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES", as increased by subsection (a), up to an additional \$700,000,000 may be available to combat the growth of poppies in Afghanistan, to eliminate the production and trade of opium and heroin, and to prevent terrorists from using the proceeds for terrorist activities in Afghanistan, Iraq, and elsewhere.

(c) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (b) for the purpose set forth in that subsection is in addition to any other amounts available in this Act for that purpose.

SA 4898. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:
SEC. 8109. (a) ADDITIONAL AMOUNT FOR DEPARTMENT OF DEFENSE.—The amount appropriated by this Act for the Department of Defense is hereby increased by \$706,956,000, with the amount of the increase designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

(b) TRANSFER TO DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Defense shall transfer the amount appropriated by the Act by reason of the increase made by subsection (a) to the Secretary of Homeland Security, who shall deposit the amount so transferred to the Research, Development, Acquisition and Operations subaccount of the Science and Technology account of the Department of Homeland Security. The amount so transferred shall be merged with amounts in that subaccount, and shall be available for the same purposes, and subject to the same conditions and limitations, as the amounts with which merged.

(c) AVAILABILITY OF CERTAIN FUNDS.—Of the amount transferred under subsection (b), not less than \$100,000,000 shall be available for purposes of explosives detection and countermeasures.

SA 4899. Mr. VITTER (for himself and Ms. LANDRIEU) submitted an

amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SECTION .
"None of the funds appropriated in this Act, or any other Act, may be used for the modernization of Naval and Marine Corps manpower, personnel, and pay information technology systems, including legacy systems, until the Department of Defense and the Department of the Navy have certified and validated that such systems selected by the Department of Defense and Department of the Navy for modernization are certified and validated by the General Accounting Office, with notification to the Congressional defense committees, that the funding baseline and milestone schedules for each of these systems covered by such a certification and validation shall include, at a minimum, the following with respect to each system: (1) business process reengineering; (2) an analysis of alternatives, including a detailed cost comparison versus the use of the Defense Integrated Military Human Resources Systems (DIMHRS); (3) an economic analysis that includes a calculation of the return on investment; (4) performance measures; and, (5) an information assurance strategy consistent with the Department's Global Information Grid."

SA 4900. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:
SEC. 8109. Of the amounts appropriated or otherwise made available by this Act, up to \$2,000,000 may be available for infrastructure for the Afghanistan military legal system.

SA 4901. Mr. LIEBERMAN (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:
SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$1,500,000 may be available for the development of a field-deployable hydrogen fueling station.

SA 4902. Mr. CONRAD (for himself, Mr. DORGAN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 230, beginning on line 15, strike "\$19,265,000" and all that follows through line 16 and insert the following: "\$39,265,000, to remain available until September 30, 2008:

Provided, That \$20,000,000 of such funds is available only for the establishment of a unit dedicated to bringing to justice Osama bin Laden and other key leaders of al Qaeda: *Provided further*, That the Secretary of Defense shall, not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, submit to the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate a classified report on progress made by the operations in the global war on terrorism for which funding is provided in this Act, including an assessment of the likely current location of terrorist leaders, including Osama bin Laden and other key leaders of al Qaeda, a description of ongoing efforts to bring to justice such terrorists, a description of the cooperation provided by the governments of any countries assessed as likely locations of top leaders of al Qaeda and by other relevant countries, a description of diplomatic efforts currently being made to improve the cooperation of any such governments, and a description of the status of, and strategy for bringing to justice, perpetrators of terrorism including the top leadership of al Qaeda: *Provided further*, That the Secretary of Defense shall prepare such reports in consultation with other appropriate officials with regard to funds appropriated under this chapter: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress) and is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234."

SA 4903. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

SEC. 8109. Of the amount appropriated or otherwise made available by title IV under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE", up to \$6,000,000 may be available as follows:

- (1) \$3,000,000 for bioterrorism protection research (PE #0601384BP).
- (2) \$3,000,000 for advanced protective gear for small-arms threats (PE #0601101E).

SA 4904. Mr. REID (for himself, Mr. DURBIN, Mrs. BOXER, Mrs. FEINSTEIN, Mr. BAYH, Mr. KENNEDY, Mr. LAUTENBERG, Mr. CARPER, Ms. MIKULSKI, Mr. KERRY, Mr. SCHUMER, Mr. LEVIN, Mr. HARKIN, Mrs. CLINTON, Mr. ROCKEFELLER, Mr. OBAMA, Mr. DORGAN, Mr. MENENDEZ, Ms. STABENOW, Mr. DAYTON, and Mr. DODD) proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place insert the following:

SENSE OF THE SENATE ON THE NEED FOR A
NEW DIRECTION IN IRAQ POLICY AND IN THE
CIVILIAN LEADERSHIP OF THE DEPARTMENT
OF DEFENSE

Findings

(1) U.S. forces have served honorably and courageously in Iraq, with over 2,600 brave Americans having made the ultimate sacrifice and over 20,000 wounded.

(2) The current "stay the course" policy in Iraq has made America less secure, reduced the readiness of our troops, and burdened America's taxpayers with over \$300 billion in additional debt.

(3) With weekly attacks against American and Iraqi troops at their highest levels since the start of the war, and sectarian violence intensifying, it is clear that staying the course in Iraq is not a strategy for success.

Therefore it is the Sense of the Senate that:

(1) Our troops deserve and the American people expect the Bush Administration to provide competent civilian leadership and a true strategy for success in Iraq.

(2) President Bush needs to change course in Iraq to provide a strategy for success. One indication of a change of course would be to replace the current Secretary of Defense.

SA 4905. Mr. STEVENS (for Mr. LEVIN) proposed an amendment to the bill H.R. 2066, to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes; as follows:

At the end of the bill add the following:

SECTION 6. DISPOSAL OF FEDERAL SURPLUS PROPERTY TO HISTORIC LIGHT STATIONS.

Section 549(c)(3)(B) of title 40, United States Code, is amended—

(1) in clause (vii), by striking "or" after the semicolon;

(2) in clause (viii), by striking the period and inserting "or"; and

(3) by adding at the end the following:

"(ix) a historic light station as defined under section 308(e)(2) of the National Historic Preservation Act (16 U.S.C. 470w-7(e)(2)), including a historic light station conveyed under subsection (b) of that section, notwithstanding the number of hours that the historic light station is open to the public."

SA 4906. Mr. ROCKEFELLER proposed an amendment to the bill H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 206, strike lines 10 through 16.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, September 6, 2006, at 10 a.m., to receive a briefing on the Army Field Manual on Interrogation.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on September 6, 2006, at 10 a.m., to conduct a hearing on "Stock Options Backdating."

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that on Wednesday, September 6, 2006, at 9:30 a.m. the Committee on Environment and Public Works be authorized to hold an oversight hearing to examine Federal renewable fuels programs.

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

COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, September 6, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony at a hearing entitled, "Executive Compensation: Backdating to the Future/Oversight of current issues regarding executive compensation including backdating of stock options; and tax treatment of executive compensation, retirement and benefits."

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Examining Competition in Group Health Care" on Wednesday, September 6, 2006, at 11 a.m., in Dirksen Senate Office Building room 226.

Witness List

Panel I: The Honorable Tom Coburn, United States Senator, R-OK.

Panel II: Mr. Bruce McDonald, Deputy Assistant Attorney General, Antitrust Division, Department of Justice, Washington, DC; Mr. David Wales, Deputy Director, Bureau of Competition, Federal Trade Commission, Washington, DC; Dr. Mark Piasio, President, Pennsylvania Medical Society, Harrisburg, PA; Ms. Stephanie Kanwit, American Association of Health Plans, Washington, DC; Dr. Edward Langston, Chair-Elect, Board of Trustees, American Medical Association, Chicago, IL; Professor David Hyman, Professor of Law, Gallowich-Huizenga Faculty Scholar, University of Illinois College of Law, Champaign, IL.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Wednesday, September 6, 2006, at 2 p.m., in Dirksen Senate Office Building room 226.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on September 6, 2006, at 10:30 a.m., to hold a closed briefing.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Brianna Rodriguez of my staff be granted floor privileges for the duration of today's session.

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

MEASURE READ THE FIRST TIME—S. 3861

Mr. STEVENS. Mr. President, I understand there is a bill at the desk, S. 3861, and I ask for its first reading.

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

The legislative clerk read as follows:

A bill (S. 3861) to facilitate bringing justice to terrorists and other unlawful enemy combatants through full and fair trials by military commissions, and for other purposes.

Mr. STEVENS. Mr. President, I ask for a second reading, and in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

GENERAL SERVICES ADMINISTRATION MODERNIZATION ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 449, H.R. 2066.

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

The legislative clerk read as follows:

A bill (H.R. 2066) to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 2066

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 "General Services Administration Modernization Act".

SEC. 2. FEDERAL ACQUISITION SERVICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Section 303 of title 40, United States Code, is amended to read as follows: