

find it in ourselves somehow to take care of these kids, these Head Start kids. We are just going to say I am sorry, that is the way it is.

I haven't made up my mind yet whether I am going to offer this amendment tonight, or whenever that CR gets over. I have a right to. It will probably get tabled which means killed. The word has already gone out that we will probably have to table the Harkin amendment. I suppose people will say there goes HARKIN again. We want to get out of town and he has something else.

I don't know. I haven't made up my mind yet. I wanted to set the record straight. You are going to hear about it. Senators are going to hear about this in January. You are going to hear about the fact that Head Start kids for some reason can't get on these paratransit buses and we are wondering why it happened.

I don't know, I may offer the amendment tonight, and if someone moves to table, I may ask for a rollcall vote, and we will see how important 54,000 kids are compared to 435 Congressmen over there who can't come back in a moment to take care of these kids in January and February, the coldest parts of the winter in certain parts of our country. So we will have to see, we will see what happens to the CR when it comes over. I guess I want to tell my colleagues they will probably have to vote on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

#### HONORING JEANE KIRKPATRICK

Mr. KYL. Mr. President, I rise to pay homage to a very special lady. I mourn her passing today, a great American patriot, Jeane Jordan Kirkpatrick. She, of course, is best known as our Ambassador to the United Nations under the Presidency of Ronald Reagan, but her history was of a dedicated American in public service before that.

She first rose to international prominence as a foreign policy adviser to Ronald Reagan's first Presidential campaign. Although she considered herself a Democrat at that time, she always placed principle above partisanship. In Governor Reagan, she saw a man who shared her commitment to freedom and democracy and was willing to call evil by name.

As America's first female permanent representative to the United Nations, Jeane served President Reagan from 1981 to 1985, and was an eloquent promoter of American values. She once said, "I think that it's always appropriate for Americans and for American foreign policy to make it clear why we feel that self-government is most compatible with peace, the well-being of people, and human dignity."

Since leaving full-time Government service, Jeane Kirkpatrick has served as an educator, commentator, a wise

woman whose counsel has been highly sought after. She has continued to be a passionate advocate for human rights and has also actively supported missile defense, United Nations reform, and the war against Islamic fascism. Most recently, I have had the pleasure of working with Jeane on the Committee on the Present Danger, which Senator LIEBERMAN and I cochair, and on which she played an important advisory role.

America has lost a great patriot and defender in Jeane Kirkpatrick. She will be sorely missed, but she will certainly be fondly remembered.

#### HONORING CONGRESSIONAL SERVICE

Mr. KYL. Mr. President, I also will say a word about a couple of my colleagues who are leaving, and I will be brief.

##### WILLIAM FRIST

I know we were all impressed with the comments of our majority leader, BILL FRIST, yesterday. I wish him godspeed in his new endeavors. He certainly has been a joy to work with as part of the Republican leadership because of his good temperament, his wise counsel, his knowledge of human nature, and his deep commitment to this body, the people of Tennessee and, most importantly, to the United States of America.

##### DENNIS HASTERT

I also want to acknowledge that we will no longer have as Speaker of the House of Representatives in a couple of weeks a colleague of mine when I first came to the House of Representatives, DENNIS HASTERT of Illinois. I saw DENNIS this morning at the White House with the President, who also acknowledged the great contribution of DENNIS during his period as Speaker of the House. Since we were colleagues coming to the House of Representatives in 1986, I will say a special word of thanks to DENNIS for his service.

##### KATIE ALTSHULER

Mr. President, I wish to make some comments about Katie Altshuler. Katie has been the head of the Republican policy committee the last several months and has served several of us here in this body, primarily with her work here on the floor of the Senate. Katie will be greatly missed by all the staff of the Republican policy committee but also by the staff of all of the Senate family here, who know that she was a very big part of that Senate family. She and her husband will be returning to Oklahoma. I know all of us wish her well. She is one of those little sparks of humanity who makes life a little bit more worthwhile at some of these long nights and weekends that we occasionally have to spend here in the Senate.

##### RICK SANTORUM

I also acknowledge that several of my colleagues will not be with us after we conclude our business tonight, tomorrow, the next day, or whenever we

are going to conclude our business here, colleagues with whom I have served with a great deal of pleasure. My friend RICK SANTORUM was serving in the leadership. We both served in the House of Representatives. He was a great inspiration to the Republican team here, and I know everyone, Democrat and Republican, respects him for his commitment, values, and ideals.

##### CONRAD BURNS

CONRAD BURNS is a fellow westerner with whom I have shared much and always enjoyed the humor that CONRAD brought to this body.

##### JIM TALENT

JIM TALENT from Missouri is another colleague from the House of Representatives. He is another serious and dedicated public servant whom I suspect we will see more of in the future.

##### GEORGE ALLEN

GEORGE ALLEN, a great colleague with whom I also served one term in the House of Representatives, and whose philosophy of "freedom first" is certainly one that I share. I know we are going to miss GEORGE and his sage counsel in the years to come.

##### MIKE DEWINE

MIKE DEWINE and I served together on the Judiciary Committee. We came together to the Senate at the same time and I will certainly miss MIKE's friendship as well.

##### LINCOLN CHAFEE AND PAUL SARBANES

Finally, LINCOLN CHAFEE. Although I mentioned Republicans in this list, I certainly don't want to forget, of course, PAUL SARBANES, who will be leaving at the end of this year, and others in the House of Representatives with whom I served as well. I know we all move on at some time and that none of us is irreplaceable. But by the same token, these colleagues of ours who will be leaving will be missed and they will be remembered for their great service to the Senate, to their States, and to the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, what is the current status on the floor?

The PRESIDING OFFICER. We are in a period of morning business.

#### VETERANS' ACCOMPLISHMENTS AND S. 3421

Mr. CRAIG. Mr. President, I have sought recognition in these waning hours of the 109th Congress to provide a summary of the good work accomplished over the last 2 years on behalf of America's veterans, and to comment on comprehensive legislation that is now pending in the Senate. I provide this summary in my capacity as chairman of the Committee on Veterans' Affairs, a title I will soon pass on to my friend, Senator DANNY AKAKA of Hawaii.

Before the 109th Congress convened, I made a decision to serve as chairman of the Committee on Veterans' Affairs

for two fundamental reasons. The first and most important was that our country was at war and continues to be at war, and a nation at war, with hundreds of thousands of young men and women having spent extensive tours overseas in hostile lands, fighting for our country, deserves the full attention of the Senate. Many have died during the course of combat operations. Others have been seriously wounded. Thousands more will transition out of the military service in the coming years and will attempt to reenter the workforce or go to school under the Montgomery GI bill. There simply was no greater calling than for me to assume the leadership role to ensure our Government was effectively assisting the current generation of America's veterans and their families.

Second, I have always been non-plused, I guess, at the characterization that the Committee on Veterans' Affairs was a "B" committee. This characterization exists despite these facts. Mr. President, 24 million Americans have served in the military and are potentially eligible for VA-administered benefits. In addition, VA will soon have a budget over \$80 billion, which is one of the largest and fastest growing budgets within Government. And finally, VA has the second largest Federal workforce of any Government agency.

Therefore, it was my goal to elevate the committee's profile and the importance of the veterans' benefits and services by embarking on a course of vigorous oversight and legislative effort and, I believe, accomplishment.

It is my humble opinion that I share the credit with 13 other members of the committee. One of them is here on the floor with me, Senator KAY BAILEY HUTCHISON of Texas, who also served not only on the authorizing committee with me but chairs VA MilCon and has played a critical role in veterans issues. We have been diligent and active participants of the committee, and the business of this committee, in my opinion, has been extremely productive in the last 2 years.

The committee held 52 hearings during the 109th Congress. From the start, our focus was on the combat wounded, the combat deceased, and their families. We held a hearing on the difficulty that surviving spouses have in getting timely and effective, consistent information regarding their benefits following the active-duty death of their loved one.

We held several hearings on whether returned combat veterans are provided with a seamless transition—many of us have heard those words used—from active duty to civilian life. We are still working with DOD on that, to make sure it is truly seamless.

We focused on medical and vocational needs of our severely wounded. We examined the research being done within the VA to advance our understanding of various diseases and disabilities confronting veterans in the

hope that advances in medical science and technology could one day improve their lives. And there is clear evidence today that that very thing is happening.

The committee was particularly active in examining VA's budget needs, and no one can argue about the high priority this Congress placed on funding the VA system.

The total VA budget will have increased from approximately \$63 billion at the end of fiscal year 2004 to over \$80 billion upon enactment of a fiscal year 2007 appropriations bill, an increase of 27 percent.

In addition to resources provided, this Congress has put in place a system of accountability to ensure that the appropriations provided to VA are being used to meet the needs of those who rely on the vital health care provided by VA facilities around the Nation.

By law, VA now submits quarterly reports to the Congress on its budget that contain a comparison between VA's planned expenditures and actual expenditures.

More importantly, VA is required to include quality indicators in this report, such as the percentage of primary care appointments scheduled within 30 days of a patient's desired date.

I am confident that the Congress has the mechanisms in place to know, on short order, if VA's budget needs are outpacing its resources, and is therefore equipped to take swift remedial action if necessary.

On the legislative front, the Senate has continued to do the work expected of it by the men and women we serve and represent. Let me give a quick accounting of the legislative provisions that were enacted into law during this Congress:

First S. 1234 and S. 2562. In both the first and second sessions of the Congress, cost-of-living-adjustment legislation was enacted to increase the rates of disability compensation and survivors' compensation. Benefit rates were increased by 4.1 percent for 2006 and will be increased by 3.3 percent for 2007.

Second, Traumatic Injury Protection under Servicemembers' Group Life Insurance, T-SGLI. In many instances the wives, parents, and other family members of servicemembers who are traumatically injured incur substantial financial obligations in order to spend time with their loved ones during recovery periods at military hospitals.

Under the provisions of Public Law 109-13, those traumatically wounded since the start of OIF and OEF as a result of combat wounds are eligible for financial payments which range from \$25,000 to \$100,000 for qualifying injuries, depending on severity. To date, more than 2,500 wounded servicemembers have received payments as a direct result of this legislation.

As of December 1, 2005, all servicemembers and Reservists insured under the Servicemembers' Group Life

Insurance program are also covered under the T-SGLI benefit. The coverage extends to all qualifying injuries regardless of whether injuries are incurred as a result of combat.

Under the provisions of H.R. 3200, the maximum coverage for members of the Armed Forces and veterans of the Service Members Group Life Insurance and the Veterans Group Life Insurance benefit was increased from \$250,000 to \$400,000.

The bill, as enacted, also requires that spouses be notified when members insured under T-SGLI elect less than maximum coverage or designate a beneficiary other than the spouse or the children or the child.

In fiscal year 2006, the National Defense Authorization Act, H.R. 1815, under provisions of H.R. 1815 and as a result of veterans committees oversight, the Department of Defense was directed to provide customized integrated information to survivors of those killed on active duty about their future Federal benefits through an Internet Web site.

I was amazed when we started these hearings that we were still dealing with a hodgepodge of approaches of how we dealt with the surviving spouse of a lost one.

DOD was also directed to develop a uniform policy on providing casualty assistance to survivors. I would like to especially thank Senators WARNER and LEVIN for their cooperation on that bill.

Also under H.R. 1815, a provision was adopted to prohibit military funeral honors and burial in VA national cemeteries and in Arlington National Cemetery to any person who is convicted of a Federal or State capital murder for which a sentence of death or life in prison may be imposed.

We had an example of a fellow from Maryland who had killed two elderly people and was sentenced to death, died in prison, and was buried at Arlington. This provision was adopted following our committee's oversight and hearing of that double murder that I just expressed. I will speak more to my colleagues about the status of the double murder incident in a moment.

In June of 2006 President Bush signed into law S. 1235, a bill to help severely injured servicemembers in their transition from the military to their civilian lives. It authorizes VA to make grants available—ranging from \$2,000 to \$14,000—to assist with housing adaptations on a family member's home in which a severely disabled veteran is living.

It allows servicemembers, who have been legally determined 100 percent disabled when they separated from the military, up to 2 years from that date to apply for premium-free Servicemembers' Group Life Insurance coverage. Finally, it enables them to convert their coverage to Veterans' Group Life Insurance, or an individual plan or policy, during the same 2-year period.

As to H.R. 5037, undoubtedly most of my colleagues are aware of the fringe

group which has used its protected free speech rights to deliberately disrupt funerals of our military heroes. That is why the Senate voted unanimously to put reasonable restrictions on demonstrations at VA cemeteries and Arlington National Cemetery.

An amendment was put forward on the floor of the Senate balancing the rights of grieving families to a dignified funeral ceremony; the rights of private property owners who live near cemeteries to be free from overly intrusive Federal laws; and the rights of demonstrators to have their message heard. The amendment was accepted, the bill was passed, and it is now Federal law.

In addition to the bills already enacted into law, the House and Senate Committees on Veterans' Affairs have agreed on a comprehensive substitute amendment to S. 3421, which has cleared the House and awaits Senate action. I urge my colleagues to support this important bill.

S. 3421, the "Veterans Benefits, Health Care, and Information Technology Act of 2006," contains provisions that would: enhance veterans' health, education, memorial affairs, and other benefit programs; improve VA's information technology infrastructure; authorize the construction of needed VA medical facilities; improve services for homeless veterans; remove the remains of a convicted double murderer from Arlington National Cemetery; and, I am proud to say, repeal an outdated and paternalistic law that limits the ability of veterans to hire an attorney to represent them during the VA claims process.

While a fuller accounting of the provisions of S. 3421 can be found in the Joint Explanatory Statement language accompanying the amendment text in the Congressional Record—and I ask unanimous consent that the Joint Explanatory Statement be printed in the RECORD along with the text of the substitute amendment to S. 3421,—I will make a few remarks about three provisions of note that I have championed.

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

**JOINT EXPLANATORY STATEMENT ON AMENDMENT TO SENATE BILL, S. 3421, AS AMENDED**

S. 3421, as amended, the "Veterans Benefits, Healthcare, and Information Technology Act of 2006," reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 109th Congress: H.R. 1220, as amended, H.R. 3082, as amended, H.R. 5815, as amended, H.R. 5835, as amended, H.R. 6314, H.R. 6342 (House Bills) and S. 716, S. 1182, as amended, S. 2694, as amended, and S. 3421, as amended (Senate Bills).

H.R. 1220, as amended, passed the House on July 13, 2005; H.R. 3082, as amended, passed the House on July 24, 2006; H.R. 5815, as amended, passed the House on September 13, 2006; H.R. 5835, as amended, passed the House on September 26, 2006; H.R. 6314 passed the House on November 14, 2006; H.R. 6342 passed the House on December 6, 2006 and passed the

Senate on December 7, 2006; S. 716 passed the Senate on December 22, 2005; S. 1182, as amended, passed the Senate on December 22, 2005; S. 2694, as amended, passed the Senate on August 3, 2006; and S. 3421 passed the Senate on September 26, 2006.

The Committees have prepared the following explanation of S. 3421, as further amended, to reflect a compromise agreement between the Committees (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

**TITLE I—ATTORNEY REPRESENTATION MATTERS**

**ATTORNEY REPRESENTATION IN VETERANS' BENEFITS CASES BEFORE THE DEPARTMENT OF VETERANS AFFAIRS**

*Current law*

Chapter 59 of title 38, United States Code, establishes policies and procedures with respect to individuals acting as agents and attorneys before the Department of Veterans Affairs (VA). Section 5901 of title 38, United States Code, generally requires that any agent or attorney be recognized by the Secretary in order to act in the preparation, presentation, or prosecution of a claim before VA. Section 5902(a) of title 38, United States Code, authorizes the Secretary to recognize representatives of certain organizations to act in that capacity for claims before VA and section 5903 of title 38, United States Code, authorizes the Secretary to recognize an individual for purposes of a specific claim before VA. Section 5904(a) of title 38, United States Code, provides general authority for the Secretary to recognize agents or attorneys to act as representatives in the preparation, presentation, and prosecution of claims before VA. To be recognized under section 5904(a) of title 38, United States Code, the Secretary may require that the individual show that he or she is of good moral character and in good repute, is qualified, and is competent. For agents or attorneys recognized under section 5904(a) of title 38, United States Code, the Secretary is authorized to suspend or exclude the individual from practicing before VA for any of the reasons set forth in section 5904(b) of title 38, United States Code. Section 5904(c) of title 38, United States Code, generally provides that an agent or attorney may not charge a fee for services "provided before the date on which the Board of Veterans' Appeals first makes a final decision in a case." Section 5905 of title 38, United States Code, specifies that individuals may be fined or imprisoned for impermissibly charging, soliciting, or receiving a fee other than as provided in section 5904(c) of title 38, United States Code.

*Senate bill*

Section 101(a)(1) of S. 2694, as amended, would add three new subparagraphs to section 5904(a) of title 38, United States Code. New subparagraph (2) would authorize the Secretary to issue regulations prescribing qualifications and standards of conduct that individuals must satisfy to be recognized under section 5904(a) of title 38, United States Code, including having a specified level of experience or specialized training. New subparagraph (3) would authorize the Secretary to issue regulations setting forth reasonable restrictions on the amount of fees that an agent or attorney may charge for services rendered in connection with a claim before VA. New subparagraph (4) would authorize the Secretary to charge a periodic registration fee to agents or attorneys recog-

nized under section 5904(a) of title 38, United States Code, in order to help defray any costs to VA in collecting such fees, recognizing individuals under section 5904(a) of title 38, United States Code, administering the payment of fees, and overseeing agents or attorneys.

Section 101(a)(2) and (3) of S. 2694, as amended, would amend sections 5902 and 5903 of title 38, United States Code, to subject individuals recognized under those sections to suspension from practice before VA for any of the reasons specified in section 5904(b) of title 38, United States Code. Section 101(b) of S. 2694, as amended, would amend section 5904(b) of title 38, United States Code, to allow the Secretary to suspend an individual from practicing before VA if the individual presents frivolous claims, issues, or arguments to VA or fails to comply with any other conditions specified by the Secretary in regulations. Those new bases for suspension, as well as the bases currently listed in section 5904(b) of title 38, United States Code, would apply to any individual recognized under section 5902(a), section 5903, or section 5904(a) of title 38, United States Code.

Section 101(c) of S. 2694, as amended, would repeal the provisions of section 5904(c) of title 38, United States Code, that prohibit agents or attorneys from charging a fee for services rendered prior to the date on which the Board of Veterans' Appeals first makes a final decision in the case. The purpose of this section would be to allow any individual to hire an agent or attorney to represent the individual at any stage of the VA proceedings. As conforming changes, section 101(d) would modify the requirements for attorneys to file fee agreements with VA and section 101(e) would authorize the Secretary to review attorney fee agreements. In addition, section 101(f) would amend 5905 to strike the criminal penalties applicable to an individual who impermissibly solicits, charges, or receives a fee for services provided in connection with a proceeding before VA.

Finally, section 101(g) of S. 2694, as amended, would set forth the effective date for the provisions of section 101. In general, the provisions of section 101 would be effective 6 months after the date of enactment. However, the provisions that would provide additional bases for suspension, repeal the limitation on hiring agents or attorneys, modify the requirements for filing fee agreements, and modify the Secretary's authority to review fee agreements would apply only to claims submitted to VA on or after the effective date.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 101 of the Compromise Agreement generally follows the Senate language, except that it would allow individuals to hire an agent or attorney only after a notice of disagreement has been filed in a case as provided in section 7105 of title 38, United States Code. In addition, the Secretary would be required to prescribe in regulations the qualifications and standards of conduct for recognizing individuals under section 5904(a) of title 38, United States Code. The Secretary also would be required to prescribe in regulations a requirement that an individual recognized under section 5904(a) of title 38, United States Code, annually provide to VA information about all jurisdictions where the individual is admitted to practice law, relevant identification numbers, and a self-certification that the individual is in good standing in all such jurisdictions.

The Compromise Agreement would allow the Secretary to suspend or exclude an individual recognized under section 5904(a) of

title 38, United States Code, from practicing before VA if the individual charges excessive or unreasonable fees and would preclude the agent or attorney from being reinstated unless the excessive fees are refunded to the client. It would also add language to the effect that fees that represent no more than 20 percent of an award of past-due benefits shall be presumed reasonable.

The Compromise Agreement would prohibit the Secretary from recognizing an agent or attorney under section 5904(a) of title 38, United States Code, if the agent or attorney has been suspended or disbarred and would permit the Secretary to suspend or exclude an agent or attorney for that reason.

Finally, the Secretary would be permitted to charge agents or attorneys an assessment in circumstances when a fee for services is provided directly by the Secretary to an agent or attorney from past-due benefits. The assessment would be equal to 5 percent of the amount of such fees to be paid to the agent or attorney, except that the amount of the assessment may not exceed \$100. The Committees intend that these assessments would assist VA with the cost of processing payments of attorneys' fees.

The Compromise Agreement would also require the Secretary to report to the Committees, 42 months after the date of enactment, on the effect of permitting representation, for a fee, after a notice of disagreement is filed, and recommend any changes to that law.

## TITLE II—HEALTH MATTERS

### ADDITIONAL MENTAL HEALTH PROVIDERS

#### *Current law*

Chapter 74 of title 38, United States Code, authorizes VA to hire a wide range of clinical care personnel to provide treatment to veterans who seek health services from the Department. Because the hiring authority is specific to listed medical professionals, VA is not permitted to employ any professional not mentioned in statute.

#### *Senate bill*

Section 5 of S. 1182, as amended, would establish qualifications and add the professions of Marriage and Family Therapist and Licensed Mental Health Counselor to the list of clinical care providers VA is authorized to hire.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 201 of the Compromise Agreement follows the Senate language.

### PAY COMPARABILITY FOR THE CHIEF NURSING OFFICER, OFFICE OF NURSING SERVICES

#### *Current law*

Section 7451 of title 38, United States Code, prohibits VA from paying the position of Chief Nursing Officer, Office of Nursing Services, at a rate that exceeds the maximum rate established for the Senior Executive Service under section 5382 of title 5, United States Code.

#### *Senate bill*

Section 6 of S. 1182, as amended, would exempt the position of Chief Nursing Officer, Office of Nursing Services, from the provisions of section 7451 of title 38, United States Code.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 202 of the Compromise Agreement follows the Senate language.

### IMPROVEMENT AND EXPANSION OF MENTAL HEALTH SERVICES

#### *Current law*

Various provisions in subchapter II, chapter 17 of title 38, United States Code, authorizes VA to provide mental health care and readjustment counseling services to veterans enrolled in the VA health care system.

#### *Senate bill*

Section 8 of S. 1182, as amended, would direct VA to expand and improve programs and services in a number of settings in order to ensure that VA can adequately address the mental health needs of returning servicemen and women, and would authorize the appropriation of \$95,000,000 in each of fiscal years 2006 and 2007 to carry out the provisions contained in this section.

VA would be directed to expand the number of clinical treatment teams principally dedicated to the treatment of PTSD; expand treatment and diagnosis services for substance abuse; expand tele-health initiatives principally dedicated to mental health care in communities located great distances from current VA facilities; improve programs that provide education in mental health treatment to primary care clinicians; and expand the number of Community-Based Outpatient Clinic (CBOC) capable of providing treatment for mental illness.

It would also require VA to ensure that it has the capacity to provide, or monitor the provision of, mental health services at every CBOC in the system. As part of this, VA would be directed to establish performance standards and working environments that give appropriate recognition to the importance of mental health care.

Additionally, require VA to meet the needs of any veteran who entered a VA health care facility seeking mental health or substance abuse treatment and would provide VA the option of using tele-mental health services or contracting to implement the law.

It would require the Secretaries of Defense and Veterans Affairs to establish a joint VA and Department of Defense (DOD) workgroup that would consist of seven experts in the fields of mental health and readjustment counseling from each Department. The workgroup would examine ways to combat stigmas associated with mental health to better educate families of servicemembers about how to deal with such issues, and would require the Departments to report to Congress on their findings.

It would also require VA and DOD to enter into a Memorandum of Understanding to ensure that all separating servicemembers receive mental health and sexual trauma screening.

It would direct VA to establish systemwide guidelines for screening primary care patients for potential mental health issues or disorders, as well as to conduct appropriate training for clinicians of the Department to carry out mental health consultations.

It would require VA's National Center on Post-Traumatic Stress Disorder (PTSD) to collaborate with the Secretary of Defense for the purposes of enabling DOD mental health care providers and clinicians to benefit from the unique and comprehensive expertise that VA has in the area of PTSD diagnosis and treatment. It would also direct the two entities to develop joint training and protocols to ensure consistency and authorize the appropriation of \$2,000,000 for fiscal year 2006 for the purpose of carrying out these requirements.

#### *House bill*

H.R. 1588, the Comprehensive Assistance for Veterans Exposed to Traumatic Stress Act of 2005, introduced by Ranking Member Lane Evans, would direct the VA to expand

and enhance mental health care services for veterans.

#### *Compromise agreement*

Section 203 of the Compromise Agreement would incorporate provisions from H.R. 1588 and follow the Senate language that would include only the provisions to require VA to ensure that each CBOC of the Department has the capacity to provide, or monitor the provision of, mental health services; require VA to submit a report to Congress not later than January 31, 2008, on the capacity of the Department to provide mental health services at each CBOC operated by the Department; require VA to establish systemwide guidelines for screening primary care patients for mental health disorders and illnesses, as well as conduct appropriate training for clinicians of the Department to carry out mental health consultations; require VA's National Center on PTSD to collaborate with the Secretary of Defense for the purposes of enabling DOD mental health care providers and clinicians to benefit from the unique and comprehensive expertise that VA has in the area of PTSD diagnosis and treatment; direct the two Departments to develop joint training and protocols to ensure consistency; and authorize to be appropriated \$2,000,000 for the purpose of carrying out the collaborative PTSD requirements.

### DISCLOSURE OF MEDICAL RECORDS

#### *Current law*

State and private sector health care providers currently provide such information to Organ Procurement Organizations (OPOs) pursuant to a regulation promulgated by the Department of Health and Human Services under section 1320b-8(a)(1)(A)(iii) of title 42, United States Code. Section 5701(a) and section 7332 of title 38, United States Code, prevent VA from providing OPOs with VA patient names, home addresses and general medical information, and any treatment information for sickle cell anemia, substance abuse, and treatment for HIV infection.

#### *Senate bill*

Section 9 of S. 1182, as amended, would ensure that DOD not violate the Health Insurance Portability and Accountability Act (HIPAA) regulation by providing VA with access to certain medical records of servicemembers while the future VA beneficiary is still on active duty. In addition, the section would allow VA to disclose the name and address of any veterans in the VA health care system to a recognized OPO for the limited purpose of determining whether the veteran is a suitable organ donor.

#### *House bill*

The House Bills contain no comparable provision.

#### *Compromise agreement*

Section 204 of the Compromise Agreement would allow VA to disclose the name and address of any veterans in the VA health care system to a recognized OPO for the limited purpose of determining whether the veteran is a suitable organ donor and explicitly include eye and tissue banks as recognized OPOs.

### EXPANSION OF TELE-HEALTH SERVICES

#### *Current law*

No applicable current law.

#### *Senate bill*

Section 11 of S. 1182, as amended, would direct VA to increase the number of Veterans Readjustment Counseling Service (Vet Center) facilities capable of providing health services and counseling through telehealth linkages with other facilities of the Veterans Health Administration (VHA); and require VA to submit a plan to the Committees on Veterans' Affairs of the Senate and the

House of Representatives to implement this requirement at the end of each of fiscal years 2005, 2006, and 2007.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 205 of the Compromise Agreement follows the Senate language with a modification that revises the requirement to implement the plan at the end of fiscal years 2007, 2008, and 2009.

STRATEGIC PLAN FOR LONG-TERM CARE

*Current law*

Public Law 106-117, the Veterans Millennium Health Care and Benefits Act, among other things, required VA to develop a program of non-institutional long-term care services and mandated that VA maintain the institutional staffing and level of extended care services at, or above, the level of staffing and services during fiscal year 1998.

*House bill*

The House Bills contain no comparable provision.

*Senate bill*

Section 13 of S. 1182, as amended, would require VA to publish a strategic plan for long-term care not later than 180 days after the date of enactment.

*Compromise agreement*

Section 206 of the Compromise Agreement follows the Senate language.

BLIND REHABILITATION OUTPATIENT SPECIALISTS

*Current law*

No applicable current law.

*Senate bill*

Section 14 of S. 1182, as amended, would require VA to establish Blind Rehabilitation Outpatient Specialists (BROS) at not fewer than 35 additional VA facilities not later than 30 months after the date of enactment.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 207 of the Compromise Agreement follows the Senate language.

EXTENSION OF CERTAIN COMPLIANCE REPORTS

*Current law*

Section 1706(b)(5)(A) of title 38, United States Code, required VA to submit to the Committees a report on its compliance with the so-called specialized services capacity requirement set forth in section 1706 of title 38, United States Code. Section 542(c)(1) of title 38, United States Code, requires the Advisory Committee on Women Veterans, through 2004, to submit a report to the Secretary of VA not later than July 1 of each even-numbered year on the programs and activities of the Department that pertain to women veterans.

*House bill*

Section 5 of H.R. 6342 would reauthorize the biennial report of the Advisory Committee on Women Veterans to submit the biennial report to the VA Secretary.

*Senate bill*

Section 15 of S. 1182, as amended, would establish the requirement to submit a compliance report through 2006.

*Compromise agreement*

Section 208 of the Compromise Agreement contains the Senate language to reestablish the requirement to submit a report on its compliance with specialized services capacity report with a modification to change the date to 2008 and also contains the House lan-

guage that would extend the biennial report of the Advisory Committee on Women Veterans through 2008.

PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS AND MULTIPLE SCLEROSIS CENTERS OF EXCELLENCE

*Current law*

No applicable current law.

*Senate bill*

Section 401 of S. 2694, as amended, would add a new section to title 38, United States Code, which would authorize VA to designate at least six Parkinson's Disease Research, Education, and Clinical Centers of Excellence (PADRECCs) and at least two Multiple Sclerosis Centers of Excellence (MSCoEs).

*House bill*

Section 6 of H.R. 6342 contains a comparable provision.

*Compromise agreement*

Section 209 of the Compromise Agreement follows the House language. Both the Senate and House express strong support for VA to continue centralized funding of the PADRECCs and MSCoEs to provide clinical care for veterans and to support the research, education and clinical care work of the centers. The expectation of the managers is that the VA would provide at least \$6,000,000 in FY 2007 and \$6,200,000 in FY 2008 to allow the work of the six established PADRECCs to continue.

REPEAL OF TERM OF OFFICE FOR THE UNDER SECRETARY FOR HEALTH AND THE UNDER SECRETARY FOR BENEFITS

*Current law*

Section 305(c) and section 306(c) of title 38, United States Code, respectively, limits the terms of office of the Under Secretary for Health and the Under Secretary for Benefits.

*Senate bill*

Section 402 of S. 2694, as amended, would repeal the 4-year terms of office for the Under Secretary for Health and Under Secretary for Benefits positions.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 210 of the Compromise Agreement follows the Senate language.

MODIFICATIONS TO STATE HOME AUTHORITIES

*Current law*

Section 1741 of title 38, United States Code, establishes criteria for VA payments to States for the care of veterans in State veterans' homes. Service-connected veterans residing in State veterans' homes are not eligible to receive a VA medication benefit unless their service-connected disability necessitated the State home care.

There is no comparable provision in current law which speaks to rural access in State veterans' homes.

*Senate bill*

Section 403 of S. 2694, as amended, would amend chapter 17 of title 38, United States Code, by inserting a new section 1745. The new section 1745 would require the Secretary to reimburse State veterans' homes for the cost of care of a veteran with a 70 percent or greater service-connected condition and would require that medications be provided, at no cost, to veterans with a 50 percent or greater service-connected disability. Additionally, section 403 would authorize the Secretary to conduct a pilot program to deem a total of 100 beds in non-VA facilities to be eligible for State veterans' home per diem payments.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 211 of the Compromise Agreement follows the Senate language.

OFFICE OF RURAL HEALTH

*Current law*

No applicable current law.

*Senate bill*

Section 404 of S. 2694, as amended, would create an Office of Rural Health in the Office of the Under Secretary for Health.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 212 of the Compromise Agreement follows the Senate language with a modification to also require VA to submit a report to the Committees on Veterans' Affairs of the Senate and the House of Representatives that identifies CBOC and access points identified in the Capital Asset Realignment for Enhanced Services (CARES) May 2004 Decision Document. Section 212 also includes a modification of section 4 of H.R. 5524, the Rural Veterans Health Care Act of 2006.

OUTREACH PROGRAM TO VETERANS IN RURAL AREAS

*Current law*

No applicable current law.

*House bill*

Section 2 of H.R. 5524 would require VA to conduct an extensive outreach program to identify and provide information on eligibility to enroll in VA health care to veterans who reside in rural communities and served in Operation Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF).

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 213 of the Compromise Agreement follows the House language.

PILOT PROGRAM ON IMPROVEMENT OF CAREGIVER ASSISTANCE SERVICES

*Current law*

Section 1710B of title 38, United States Code, provides for the establishment of non-institutional extended care services to eligible veterans.

*Senate bill*

Section 405 of S. 2694 would require VA to conduct a two year pilot program to improve assistance provided to caregivers, particularly in home-based settings and authorize the appropriations of not less than \$5,000,000 for each fiscal year for the purposes of carrying out the pilot program. Special consideration regarding allocations of funds should be given to rural facilities, including those without a long-term care facility of the Department.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 214 of the Compromise Agreement follows the Senate language with a modification to authorize the appropriations of \$5,000,000 for fiscal year 2007 and fiscal year 2008 for the purposes of carrying out the pilot program.

EXPANSION OF OUTREACH ACTIVITIES OF VET CENTERS

*Current law*

Section 1712A of title 38, United States Code, establishes eligibility for readjustment counseling and related mental health services.

*Senate bill*

Section 2 of S. 716 would authorize 50 additional veterans of OEF and OIF to perform

outreach efforts for Vet Centers; allow these veteran-employees to be assigned to any Vet Center deemed appropriate by the Secretary; and not subject these outreach coordinators to VA's stipulation that these positions be subject to only three years of hiring authority.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 215 of the Compromise Agreement follows the Senate language with a modification to authorize no fewer than 100 additional veterans to perform outreach efforts.

CLARIFICATION AND ENHANCEMENT OF  
BEREAVEMENT COUNSELING

*Current law*

Section 1783 of title 38, United States Code, allows VA to provide bereavement counseling to a veteran and to an individual who is a member of the immediate family of a member of the Armed Forces who dies while on active duty.

*Senate bill*

Section 3 of S. 716 would provide express authority for Vet Centers to provide bereavement counseling to all immediate family members of a member of the Armed Forces who dies while on active duty.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 216 of the Compromise Agreement follows the Senate language.

FUNDING FOR VET CENTER PROGRAM

*Current law*

Section 1712A of title 38, United States Code, establishes eligibility for readjustment counseling and related mental health services.

*Senate bill*

Section 4 of S. 716 would authorize to be appropriated for fiscal year 2006, \$180,000,000 for the provision of readjustment counseling and related mental health services through Vet Centers.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 217 of the Compromise Agreement follows the Senate language with a modification to authorize appropriations for fiscal year 2007 rather than fiscal year 2006.

**TITLE III—EDUCATION MATTERS**

EXPANSION OF ELIGIBILITY FOR SURVIVORS' AND  
DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM

*Current law*

Section 3501 of title 38, United States Code, provides that in certain circumstances spouses or children of servicemembers or veterans may be eligible for VA education benefits. In general, the spouse or child of a veteran may be eligible for the Dependents' Educational Assistance program (DEA) if the veteran died from a service-connected disability or is permanently and totally disabled by a service-connected disability. In addition, a spouse or child of an active duty servicemember may be eligible for DEA if the servicemember has been missing in action, captured by a hostile force, or forcibly detained by a foreign power for more than 90 days. However, if the servicemember suffers a severe injury in service and remains on active-duty status pending discharge while receiving treatment, the spouse or child is not eligible for DEA until the servicemember is actually discharged from active duty.

*House bill*

Section 3 of H.R. 6342 would expand eligibility for DEA to the spouse or child of a servicemember who is hospitalized or receiving outpatient medical care, services, or treatment and is determined by the Secretary of Veterans Affairs to have a total disability permanent in nature incurred or aggravated in the line of duty and is likely to be discharged or released from active duty service for such disability.

*Senate bill*

Section 8 of S. 3421, as amended, would expand eligibility for DEA to the spouse or child of a servicemember who is hospitalized or receiving outpatient medical care, services, or treatment pending discharge from active military, naval, or air service for a total disability permanent in nature resulting from a service-connected disability.

*Compromise agreement*

Section 301 of the Compromise Agreement generally follows the House language.

RESTORATION OF LOST ENTITLEMENT FOR INDIVIDUALS WHO DISCONTINUE A PROGRAM OF  
EDUCATION BECAUSE OF BEING ORDERED TO  
FULL-TIME NATIONAL GUARD DUTY

*Current law*

Chapters 30, 31, and 32 of title 38, United States Code, provide restoration of lost education benefits under VA education programs to certain recipients called to active duty under title 32, United States Code, (full-time National Guard duty) after September 11, 2001.

*House bill*

Section 404 of H.R. 3082, as amended, would restore lost entitlement to individuals receiving education benefits under chapter 35 of title 38, United States Code, who were called to active duty under title 32, United States Code, after September 11, 2001.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 302 of the Compromise Agreement follows the House language.

EXCEPTION FOR INSTITUTIONS OFFERING GOVERNMENT-SPONSORED NON-ACCREDITED  
COURSES TO REQUIREMENT OF REFUNDING  
UNUSED TUITION

*Current law*

Section 3676(c) of title 38, United States Code, requires that all non-accredited institutions have a pro-rata refund policy to be approved for veterans' education benefits.

*House bill*

Section 401 of H.R. 3082, as amended, would exempt Federal, state or local government institutions or institutions primarily supported by funding from a Federal, state or local government entity from the rule that requires a non-accredited education program to have a pro-rata refund policy.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 303 of the Compromise Agreement follows the House language.

EXTENSION OF WORK-STUDY ALLOWANCE

*Current law*

Section 3485 of title 38, United States Code, establishes work-study policies for veteran students and eligible dependents. In general, VA work-study students may do the following: prepare or process VA paperwork at schools or VA facilities; assist those providing care providers at VA hospitals and domiciliaries; work at Department of De-

fense facilities in certain circumstances; assist outreach services at State approving agencies; work at State veterans' cemeteries and national cemeteries; or assist care providers at State homes. The authority for work-study programs at State approving agencies, State veterans' cemeteries and national cemeteries, and State homes expires on December 27, 2006.

*House bill*

Section 402 of H.R. 3082, as amended, would extend work-study programs at State approving agencies, State veterans' cemeteries and national cemeteries, and State homes until June 30, 2007.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 304 of the Compromise Agreement follows the House language.

DEADLINE AND PERMANENT REQUIREMENT FOR  
REPORT ON EDUCATIONAL ASSISTANCE PROGRAM

*Current law*

Section 3036 of title 38, United States Code, requires both VA and DoD to submit to Congress separate, biennial reports on the operation of the Montgomery GI Bill educational assistance program. The reporting requirement expired on January 1, 2005.

*House bill*

Section 4 of H.R. 6342 would require VA and DoD to submit separate reports to Congress no later than 6 months after the date of enactment and repeal the termination of the biennial reporting requirement.

*Senate bill*

Section 304 of S. 2694, as amended, contains a similar provision that would reinstate the biennial reporting requirement and extend it until January 1, 2011.

*Compromise agreement*

Section 305 of the Compromise Agreement generally follows the Senate language.

REPORT ON IMPROVEMENT IN ADMINISTRATION  
OF EDUCATIONAL ASSISTANCE BENEFITS

*Current law*

No applicable current law.

*House bill*

Section 403 of H.R. 3082, as amended, would require the Secretary to report to Congress 180 days after enactment of this Act on ways to streamline the administrative processes and procedures of veterans' education benefits.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 306 of the Compromise Agreement follows the House language.

**TITLE IV—NATIONAL CEMETERY AND  
MEMORIAL AFFAIRS MATTERS**

PROVISION OF GOVERNMENT MEMORIAL  
HEADSTONES OR MARKERS AND MEMORIAL INSCRIPTIONS FOR DECEASED DEPENDENT CHILDREN OF VETERANS WHOSE REMAINS ARE UNAVAILABLE FOR BURIAL

*Current law*

Section 2306(b) of title 38, United States Code, authorizes the Secretary to furnish, upon request, an appropriate memorial headstone or marker for commemorating an eligible veteran, spouse, or surviving spouse whose remains are unavailable for burial. Such a headstone or marker must be placed in an area of a national cemetery reserved for that purpose, a veterans' cemetery owned by a state, or, in the case of a veteran, in a state, local, or private cemetery. Under section 2306(f) of title 38, United States Code,

when the Secretary has furnished a memorial headstone or marker for an unmarked grave of an individual, the Secretary shall, if feasible, add a memorial inscription to that headstone or marker rather than furnishing a separate headstone or marker for the surviving spouse of such individual.

*House bill*

Section 203 of H.R. 3082, as amended, would authorize the Secretary to furnish a memorial headstone or marker for an eligible dependent child whose remains are unavailable, or, if feasible, add a memorial inscription to an existing headstone or marker provided under section 2603(a) of title 38, United States Code.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 401 of the Compromise Agreement follows the House language.

PROVISION OF GOVERNMENT MARKERS FOR MARKED GRAVES OF VETERANS AT PRIVATE CEMETERIES

*Current law*

Section 2306(d) of title 38, United States Code, authorizes the Secretary to furnish a government marker to those families who request one for the marked grave of a veteran buried at a private cemetery, who died on or after September 11, 2001. The authority expires on December 31, 2006.

*House bill*

Section 202 of H.R. 3082, as amended, would make permanent the Secretary's authority to furnish a government marker or headstone, and would expand the program to include veterans who died between November 1, 1990 and September 10, 2001.

*Senate bill*

Section 203 of S. 2694 contains a similar provision.

*Compromise agreement*

Section 402 of the Compromise Agreement would extend the program to December 31, 2007.

ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS

*Current law*

Section 2408 of title 38, United States Code, authorizes the Secretary to make grants to states to assist them in establishing, expanding, or improving State veterans' cemeteries.

*House bill*

Section 201 of H.R. 3082, as amended, would authorize the Secretary to make grants to tribal organizations to assist them in establishing, expanding, or improving veterans' cemeteries on trust lands. The tribal organization would be required to submit the necessary grant application and meet related prerequisites similar to any state applicant.

*Senate bill*

Section 201 of S. 2694, as amended, contains a similar provision.

*Compromise agreement*

Section 403 of the Compromise Agreement contains this provision.

REMOVAL OF REMAINS OF RUSSELL WAYNE WAGNER FROM ARLINGTON NATIONAL CEMETERY

*Current law*

No applicable current law.

*House bill*

The House Bills contain no comparable provision.

*Senate bill*

Section 202 of S. 2694, as amended, would direct the Secretary of the Army to remove

the remains of Russell Wayne Wagner from Arlington National Cemetery and establish procedures that the Secretary must follow in carrying out this directive. In addition, section 202 would make several Congressional findings, including a finding that Russell Wayne Wagner is the only individual convicted of a capital offense who has been interred or inurned in Arlington since 1997, the year Congress first expressed its intent to keep the remains of such offenders out of national cemeteries.

*Compromise agreement*

Section 404 of the Compromise Agreement generally follows the Senate language.

**TITLE V—HOUSING AND SMALL BUSINESS MATTERS**

RESIDENTIAL COOPERATIVE HOUSING UNITS

*Current law*

Under the provisions of chapter 37 of title 38, United States Code, VA is authorized to guarantee loans for eligible veterans and survivors to buy or build a home; to buy a residential condominium; to repair, alter or improve a home; to refinance an existing home loan; to buy a manufactured home with or without a lot; to buy and improve a manufactured home lot; to install a solar heating or cooling system or other weatherization improvements; or to buy a home and install energy-efficient improvements. Current law does not include the purchase of stock in a cooperative housing corporation (cooperative) amongst the home loans VA may guarantee.

*House bill*

The House Bills contain no comparable provision.

*Senate bill*

Section 601 of S. 2694, as amended, would extend VA's authority to guarantee loans to the purchase of stock or membership in a cooperative.

*Compromise agreement*

Section 501 of the Compromise Agreement generally follows the Senate language; however, the authority for VA to guarantee share loans in cooperatives would terminate 5 years after the date of enactment.

DEPARTMENT OF VETERANS AFFAIRS GOALS FOR PARTICIPATION BY SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS IN PROCUREMENT CONTRACTS

*Current law*

Under current law, VA is required to comply with title 15, United States Code, which establishes policies with respect to aid to small businesses. Title 38, United States Code, does not contain any requirements for the Secretary with regard to small businesses owned and controlled by veterans and service-disabled veterans in procurement.

*House bill*

Section 101 of H.R. 3082, as amended, would add a new section 8127 to title 38, United States Code, to govern how VA contracts with veteran and service-disabled veteran-owned small businesses desiring to contract with VA.

New section 8127 would require the Secretary to establish contracting and subcontracting goals for each fiscal year for contracts with small businesses owned and controlled by veterans and service-disabled veterans. Performance appraisals of senior officials and Assistant Secretaries with procurement authority would be required to include whether the annual contracting goals of their administrations or organizations were met. VA would be required to conduct reviews of contracts and subcontracts to verify that contracts and subcontracts were actually awarded to veterans' businesses as outlined in their contract or subcontract.

VA would be allowed to award non-competitive contracts to small businesses owned and controlled by veterans when the amount of the contract is below the simplified acquisition threshold as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. §403). Further, contracting officers would be allowed, but not required, to award sole source contracts to small businesses owned and controlled by veterans to meet the annual goal set by the Secretary for contracts above the simplified acquisition threshold but below \$5,000,000. Contracting officers would retain the option to restrict competition to small businesses owned and controlled by veterans if the contracting officer has an expectation that two or more such businesses owned by veterans will submit offers for the contract including all contracts exceeding \$5,000,000.

To be awarded a contract under the new section small businesses owned and controlled by veterans would be required to be listed in a database of veteran-owned and service-disabled veteran-owned small businesses maintained by the Secretary. The Secretary would verify that each small business is owned and controlled by a veteran and in the case of a service-disabled veteran, the veteran's service-disabled status. New section 8127 would make the database available to all Federal departments and agencies and determine whether certain types of information would be restricted to the public. New section 8127 would also bar any small business that misrepresented itself to the Department as a small business owned and controlled by a veteran or service-disabled veteran from contracting with the Department for a period of 5 years.

A small business owned and controlled by one or more veterans would continue to be recognized as such after the death of a veteran if a surviving spouse of a veteran acquires a majority ownership interest. This small business would be recognized as a veteran-owned or service-disabled veteran-owned small business until the earliest of the following: (a) the date on which the surviving spouse remarries; (b) the date the surviving spouse relinquishes ownership; or (c) 10 years after the date of the veteran's death.

New section 8127 would give preference to small businesses owned and controlled by veterans relative to other set-aside groups and within other set-aside groups when another set-aside contracting preference category is being used by VA.

The Secretary would be required to provide quarterly reports to the Committees that would include percentage of contracts awarded by the Department and each Administration of the Department to small businesses owned and controlled by veterans and service-disabled veterans.

Finally, section 101 of H.R. 3082, as amended, would provide a transition rule that would allow small businesses currently listed on VA's current database of veteran-owned small businesses to retain veteran-owned status. After one year, the business may be removed if found not to be a small business owned and controlled by one or more veterans. The Comptroller General would be required to conduct a study on the efforts of the Secretary to meet the goals established in section 8127 for the first 3 fiscal years after date of enactment and report to Congress on January 31 of each such year. Not later than 90 days after the end of the study, the Comptroller General would be required to submit a report to Congress on the findings of the study.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 502 of the Compromise Agreement generally follows the House language except

for the following: (1) senior VA officials performance appraisals would not include contracting goals; (2) a small business owned and controlled by a veteran would continue to be recognized as such only if the veteran was rated as 100 percent service disabled or died due to a service-connected disability; (3) the Secretary would be required to give annual reports to the Committees; (4) and the Comptroller General would be required to brief the Committees on the efforts of the Secretary for the first 3 fiscal years and report 180 days after the end of the time period.

The Committees are fully aware that the Department has several statutory small business set-aside procurement goals and that the process of meeting those goals is accomplished throughout a fiscal year. The Committees also understand that meeting the various goals is done in parallel, not sequentially. For example, the Committees recognize that for a given acquisition, there may not be any qualified veteran or service-disabled veteran-owned businesses, however there may be qualified businesses from another set-aside authority that could fulfill the contract.

The intent of this provision in the Compromise Agreement is to emphasize the importance of meeting the contracting goals for veteran and service-disabled veteran-owned businesses by giving those competitive parity with other set-aside categories. The Committees also seek to give contracting officers the tools to meet veteran and service-disabled veteran-owned business set-aside goals.

The Committees anticipate that acquisition officials will exercise reasonable judgment when attempting to meet the several set-aside goals including giving "preference" to veteran or service-disabled veteran-owned businesses. The goals for veteran and service-disabled veteran owned businesses are not in any way intended to prevent attainment of other set-aside goals.

DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES

#### Current law

Title 38, United States Code, does not require the Secretary to give preferences to small businesses owned and controlled by veterans and service-disabled veterans in procurement.

#### House bill

Section 102 of H.R. 3082, as amended, would create a new section 8128 that would give priority to small businesses owned and controlled by veterans.

#### Senate bill

The Senate Bills contain no comparable provision.

#### Compromise agreement

Section 503 of the Compromise Agreement follows the House language.

### TITLE VI—EMPLOYMENT AND TRAINING MATTERS

TRAINING OF NEW DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES BY NATIONAL VETERANS' TRAINING INSTITUTE REQUIRED

#### Current law

Section 4102A of title 38, United States Code, sets the conditions for the funds that states receive to carry out employment services for veterans. Training for Disabled Veterans' Outreach Program Specialists (DVOPS) and Local Veterans' Employment Representatives (LVERs) by the National Veterans' Training Institute (NVTI) is not required under current law as a condition for funds.

#### House bill

Section 304 of H.R. 3082, as amended, would, as a condition of a grant or contract from the Veterans Employment and Training Service (VETS), require all new DVOPS or LVERs to complete training provided by NVTI within 3 years of designation as or being assigned the duties of a DVOPS or LVER. If the Secretary of Labor did not provide an exception to a state, the Secretary may reduce the amount of the grant or contract for the state for non-compliance. The states would be required to submit information on employee training at NVTI to VETS. Employees designated or assigned the duties of DVOPS and LVERs with 5 years of service would be exempt from the requirement and those with less than 5 years would be required to complete training within 5 years of the date of enactment of this provision.

#### Senate bill

The Senate Bills contain no comparable provision.

#### Compromise agreement

Section 601 of the Compromise Agreement generally follows the House language except that the Secretary would be authorized to establish reasonable exceptions to the required completion of the training at NVTI. The Compromise Agreement would require any DVOPS or LVERs, who are designated as such on or after January 1, 2006, to complete the required training within 3 years after the date on which the employee was so designated.

RULES FOR PART-TIME EMPLOYMENT FOR DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

#### Current law

Section 4103A of title 38, United States Code, establishes that employees hired as DVOPS may be employed as full- or part-time. Section 4104 of title 38, United States Code, establishes that employees hired as LVERs may be employed as full-time or part-time.

#### House bill

Section 302 of H.R. 3082, as amended, would clarify that part-time employment of DVOPS and LVERs may not be less than half-time only employment.

#### Senate bill

The Senate Bills contain no comparable provision.

#### Compromise agreement

Section 602 of the Compromise Agreement follows the House language.

PERFORMANCE INCENTIVE AWARDS FOR EMPLOYMENT SERVICE OFFICES

#### Current law

Section 4112 of title 38, United States Code, allows states to provide performance incentive awards to DVOPS and LVERs for quality employment, training, and placement services to veterans.

#### House bill

Section 307 of H.R. 3082, as amended, would allow the Assistant Secretary of VETS to provide incentive awards to employment service offices as well as eligible employees.

#### Senate bill

The Senate Bills contain no comparable provision.

#### Compromise agreement

Section 603 of the Compromise Agreement follows the House language.

DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS

#### Current law

No applicable current law.

#### House bill

Section 309 of H.R. 3082, as amended, would establish a new section, 4114, in title 38, United States Code, that would require VETS to begin a program to promote credentialing and licensing of veterans in occupations related to their military training and experience. VETS would be required to identify a minimum of 10 military occupational specialties to begin the program. New subsection 4114 would allow the Assistant Secretary for VETS to enter into a contract to carry out the demonstration project. The demonstration project would be required to begin 60 days after date of enactment and end on September 30, 2009, and would authorize \$1,000,000 for each of the fiscal years 2007 through 2009 of appropriated funds for the demonstration project.

Finally, section 309 of H.R. 3082, as amended, would add a representative of the National Governors Association to the Advisory Committee on Veterans Employment, Training, and Employer Outreach at the Department of Labor.

#### Senate bill

The Senate Bills contain no comparable provision.

#### Compromise agreement

Section 604 of the Compromise Agreement generally follows the House language except the Secretary of Labor would be given the discretionary authority to begin the demonstration project utilizing unobligated funds.

The Committees expect that the Department will choose military occupational specialties within high-growth industries such as transportation, information technology, and hospitality.

DEPARTMENT OF LABOR IMPLEMENTATION OF REGULATION FOR PRIORITY OF SERVICE FOR VETERANS

#### Current law

No applicable current law.

#### House bill

Section 308 of H.R. 3082, as amended, would require the Secretary of Labor to promulgate regulations on the implementation of priority of service as required by Public Law 107-288 for veterans in all Department of Labor programs not later than 1 year after date of enactment.

#### Senate bill

The Senate Bills contain no comparable provision.

#### Compromise agreement

Section 605 of the Compromise Agreement generally follows the House language except the Secretary would be required to promulgate the regulations not later than 2 years after date of enactment.

### TITLE VII—HOMELESS VETERANS ASSISTANCE

REAFFIRMATION OF NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS

#### Current law

Public Law 107-95, the Homeless Veterans Comprehensive Assistance Act (HVCA) of 2001, established a goal to end homelessness among veterans within a decade of its enactment.

#### House bill

The House Bills contain no comparable provision.

#### Senate bill

Section 501 of S. 2694, as amended, would restate the goal of Congress to end homelessness among veterans within the time frame established under the HVCA Act.

#### Compromise agreement

Section 701 of the Compromise Agreement follows the Senate language.

SENSE OF CONGRESS ON THE RESPONSE OF THE FEDERAL GOVERNMENT TO THE NEEDS OF HOMELESS VETERANS

*Current law*

Public Law 107-95, the Homeless Veterans Comprehensive Assistance Act of 2001, established a goal to end homelessness among veterans within a decade of its enactment.

*House bill*

The House Bills contain no comparable provision.

*Senate bill*

Section 502 of S. 2694, as amended, expresses the sense of Congress on the needs of homeless veterans in America and the expectation for the Federal government's response to those needs.

*Compromise agreement*

Section 702 of the Compromise Agreement follows the Senate language.

AUTHORITY TO MAKE GRANTS FOR COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS

*Current law*

Section 2011 of title 38, United States Code, authorizes VA to make grants to assist eligible entities in establishing comprehensive service programs to assist homeless veterans.

*House bill*

Section 2 of H.R. 6342 would extend VA's authority for the Homeless Grant and Per Diem Program to September 30, 2007.

*Senate bill*

Section 503 of S. 2694, as amended, would provide permanent authority for the Homeless Grant and Per Diem Program and would increase the amount of funds authorized for these efforts to \$130,000,000 for fiscal year 2007 and each fiscal year thereafter.

*Compromise agreement*

Section 703 of the Compromise Agreement follows the Senate language.

EXTENSION OF TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS

*Current law*

Section 2031 and 2033(d) of title 38, United States Code, authorizes VA to provide treatment and rehabilitation services for seriously mentally ill and homeless veterans.

*House bill*

Section 2 of H.R. 6342 would extend VA's authority for the treatment and rehabilitation for seriously mentally ill and homeless veterans to December 31, 2007.

*Senate bill*

Section 504 of S. 2694, as amended, would extend the authority to operate special programs for homeless veterans through December 31, 2011.

*Compromise agreement*

Section 704 of the Compromise Agreement follows the Senate language.

EXTENSION OF AUTHORITY FOR TRANSFER OF PROPERTIES OBTAINED THROUGH FORECLOSURE OF HOME MORTGAGES

*Current law*

Section 2041 of title 38, United States Code, authorizes VA to assist homeless veterans and their families in acquiring shelter via agreements to sell, lease, lease with an option to purchase, or donate real property, and improvements thereon, acquired as the result of a default on a loan made, insured, or guaranteed under 38 U.S.C. section 2001 et seq.

*House bill*

The House Bills contain no comparable provision.

*Senate bill*

Section 505 of S. 2694, as amended, would extend this program through December 31, 2011.

*Compromise agreement*

Section 705 of the Compromise Agreement follows the Senate language.

EXTENSION OF FUNDING FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS

*Current law*

Section 2061 of title 38, United States Code, authorizes VA to operate a program through which it makes grants to homeless veteran service providers specifically for the purpose of encouraging those entities to provide unique services to special needs populations.

*House bill*

The House Bills contain no comparable provision.

*Senate bill*

Section 506 of S. 2694, as amended, would extend VA's authority to operate this program through 2011 and increase the annual authorized expenditure amount to \$7,000,000 through the same time period.

*Compromise agreement*

Section 706 of the Compromise Agreement follows the Senate language.

EXTENSION OF FUNDING FOR HOMELESS VETERAN SERVICE PROVIDER TECHNICAL ASSISTANCE PROGRAM

*Current law*

Section 2064 of title 38, United States Code, requires VA to carry out a program to make grants to organizations with expertise in preparing grant applications to provide technical assistance to non-profit community-based groups in order to assist such groups in applying for grants under VA's homeless grant and per diem program.

*Senate bill*

Section 507 of S. 2694, as amended, would extend funding for homeless veteran service providers technical assistance program through 2012 and increase the annual authorized expenditure amount to \$1,000,000 through the same time period.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 707 of the Compromise Agreement follows the Senate language.

ADDITIONAL ELEMENT IN ANNUAL REPORT ON ASSISTANCE TO HOMELESS VETERANS

*Current law*

Section 2065 of title 38, United States Code, requires VA to submit a report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the activities of the Department to assist homeless veterans during the calendar year preceding the report.

*House bill*

The House Bills contain no comparable provision.

*Senate bill*

Section 508 of S. 716 would add a requirement to this annual report to include findings of identified redundancies and gaps in government-wide, homeless assistance coordination efforts so that duplication can be eliminated and gaps can be filled.

*Compromise agreement*

Section 708 of the Compromise Agreement follows the Senate language.

ADVISORY COMMITTEE ON HOMELESS VETERANS

*Current law*

Section 2066 of title 38, United States Code, establishes a VA Advisory Committee on Homeless Veterans.

*Senate bill*

Section 509 of S. 2694, as amended, would add two new ex-officio members to the Advisory Committee, the Under Secretaries of Health and Benefits or their designated representative; add the Executive Director of the President's Interagency Council on Homelessness as a member to the Advisory Committee; and authorize the Advisory Committee's continuation through September 30, 2011.

*House bill*

Section 2 of H.R. 6342 would extend the Advisory Committee on Homeless Veterans to December 31, 2007.

*Compromise agreement*

Section 709 of the Compromise Agreement follows the Senate language with a modification to extend the Advisory Committee through December 31, 2011.

RENTAL ASSISTANCE VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM

*Current law*

Section (8)(o)(19)(B) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)(B)), authorizes the Secretary of Housing and Urban Development to set aside specified amounts for use only for providing supported housing assistance administered in conjunction with the Department of Veterans Affairs. The program provides rental assistance on behalf of homeless veterans who have chronic mental illness or chronic substance abuse disorders. Continued treatment for such illness or disorder and appropriate case management is a condition for receipt of the rental assistance.

*House bill*

The House Bills contain no comparable provision.

*Senate bill*

Section 510 of S. 2694, as amended, would authorize 500 vouchers for fiscal year 2007; 1,000 vouchers for fiscal year 2008; 1,500 vouchers for fiscal year 2009; 2,000 vouchers for fiscal year 2010; and 2,500 vouchers for fiscal year 2011.

*Compromise agreement*

Section 710 of the Compromise Agreement follows the Senate language.

**TITLE VIII—CONSTRUCTION MATTERS**

**SUBTITLE A—CONSTRUCTION AND LEASE AUTHORITIES**

AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS

*Current law*

Section 8104 of title 38, United States Code, requires Congressional authorization of appropriations for VA major medical facility projects.

*House bill*

Section 3 of H.R. 5815, as amended, would authorize the Secretary to enter into an agreement with Louisiana State University (LSU) and \$100,000,000 for advance planning and design and site preparation for a co-located, joint-use major medical facility project in or near New Orleans, Louisiana.

Section 2 of H.R. 5815, as amended, would authorize \$310,000,000 for the restoration of the Department of Veterans Affairs Medical Center (VAMC), Biloxi, Mississippi and consolidation of services performed at the VAMC, Gulfport, Mississippi; and require the project be carried out as part of a joint-use facility shared by VA with Keesler Air Force, Biloxi, Mississippi.

Section 5 of H.R. 5815, as amended, would authorize \$98,000,000 for the Secretary to enter into an agreement to purchase a site for the replacement of the VAMC, Denver, Colorado; and require the Secretary to report to the Committees on Veterans' Affairs

of the Senate and House of Representatives on the viability of entering into a public or suitable non-profit organization partnership for the construction and operation of a facility that would replace the current VAMC, Denver, Colorado, not later than 180 days after the date of enactment.

*Senate bill*

Section 1(1) of S. 3421 would authorize \$636,000,000 for the restoration, new construction or replacement of the VAMC in New Orleans, Louisiana as a collaborative effort consistent with the June 12, 2006, New Orleans Collaborative Opportunities Study Group Report.

Section 1(2) of S. 3421 would authorize \$310,000,000 for the restoration of the VAMC, Biloxi, Mississippi and consolidation of services performed at the VAMC, Gulfport, Mississippi.

Section 1(3) of the Senate Bill would authorize \$98,000,000 for the replacement of the VAMC, Denver, Colorado.

*Compromise agreement*

Section 801 of the Compromise Agreement would authorize \$300,000,000 for the restoration, new construction or replacement of the VAMC in or near New Orleans, Louisiana as a collaborative effort consistent with the June 12, 2006, New Orleans Collaborative Opportunities Study Group Report; \$310,000,000 for the restoration of the VAMC, Biloxi, Mississippi and consolidation of services performed at the VAMC, Gulfport, Mississippi; and \$98,000,000 for the replacement of the VAMC, Denver, Colorado and require the Secretary to report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the viability of entering into a public or suitable non-profit organization partnership for the construction and operation of a facility that would replace the

current VAMC, Denver, Colorado, not later than 180 days after the date of enactment.

EXTENSION OF AUTHORIZATION FOR CERTAIN MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION WITH CAPITAL ASSET REALIGNMENT INITIATIVE

*Current law*

Section 221 of Public Law 108-170 provided the Secretary of Veterans Affairs the authority to enter into a contract to carry out approved major construction projects as specified in the final report of the Capital Asset Realignment for Enhanced Services Commission through September 30, 2006.

*House bill*

Section 6 of H.R. 5815, as amended, would authorize 17 major medical facility construction projects that were previously authorized under Public Law 108-170 as follows:

Location	Purpose	Cost
Anchorage, AK	outpatient clinic and regional office	\$75,270,000
Cleveland/Brecksville, OH	clinical/administrative consolidation	\$102,300,000
Des Moines, IA	extended care building	25,000,000
Durham, NC	renovation of patient wards	9,100,000
Gainesville, FL	correct patient privacy deficiencies	85,200,000
Indianapolis, IN	floor wards modernization	27,400,000
Las Vegas, NV	new medical center facility	406,000,000
Lee County, FL	ambulatory diagnostic support center	65,100,000
Long Beach, CA	seismic corrections	107,845,000
Los Angeles, CA	seismic corrections	79,900,000
Orlando, FL	new medical center facility	377,700,000
Pittsburgh, PA	consolidation of campuses	189,205,000
San Antonio, TX	ward upgrades and expansion	19,100,000
Syracuse, NY	new spinal cord injury center	77,700,000
Tampa, FL	upgrade electrical distribution systems	49,000,000
Tampa, FL	expand spinal cord injury center	7,100,000
Temple, TX	blind rehab/psychiatric renovation	56,000,000

*Senate bill*

Section 2 of S. 3421 would extend the date for contract award from September 30, 2006,

to September 30, 2009, for 18 major medical facility construction projects that were pre-

viously authorized under Public Law 108-170 as follows:

Location	Purpose	Cost
Anchorage, AK	outpatient clinic and regional office	\$75,270,000
Cleveland/Brecksville, OH	clinical/administrative consolidation	\$102,300,000
Des Moines, IA	extended care building	25,000,000
Durham, NC	renovation of patient wards	9,100,000
Gainesville, FL	correct patient privacy deficiencies	85,200,000
Indianapolis, IN	floor wards modernization	27,400,000
Las Vegas, NV	new medical center facility	406,000,000
Lee County, FL	ambulatory diagnostic support center	65,100,000
Long Beach, CA	seismic corrections	107,845,000
Los Angeles, CA	seismic corrections	79,900,000
Orlando, FL	new medical center facility	377,700,000
Pittsburgh, PA	consolidation of campuses	189,205,000
San Antonio, TX	ward upgrades and expansion	19,100,000
San Juan, PR	seismic corrections	15,000,000
Syracuse, NY	spinal cord injury center	53,900,000
Tampa, FL	upgrade electrical distribution systems	49,000,000
Tampa, FL	expand spinal cord injury center	7,100,000
Temple, TX	blind rehab/psychiatric renovation	56,000,000

*Compromise agreement*

Section 802 of the Compromise Agreement follows the House language. The Committees note that the need for some of these projects was determined based on initial CARES results. VA has subsequently begun detailed studies at a number of sites. In some locations, these studies have led to modified plans. In an effort to avoid the unnecessary expenditure of scarce resources VA should defer any action on the design or construction of these projects until related ongoing

studies are complete and these studies support the need for the expenditure of funds authorized by this section. The Committees understand that it is VA's policy to defer construction until final decisions are made. The Committees support this approach and expect this policy to remain in place.

AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS

*Current law*

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA major medical facility construction project.

*Senate bill*

Section 3 of S. 3421 would authorize the following major construction projects for fiscal year 2007:

Location	Purpose	Cost
American Lake, WA	seismic corrections, nursing home	\$38,220,000
Columbia, MO	operating suite replacement	25,830,000
Fayetteville, AR	new clinical addition	56,163,000
Milwaukee, WI	new spinal cord injury center	32,500,000
St. Louis, MO	medical facility improvements and cemetery expansion	69,053,000

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 803 of the Compromise Agreement follows the Senate language.

AUTHORIZATION OF ADVANCED PLANNING AND DESIGN FOR A MAJOR MEDICAL FACILITY, CHARLESTON, SOUTH CAROLINA

*Current law*

Section 8104 of title 38, United States Code, requires Congressional authorization of any

VA major medical facility construction project.

*House bill*

Section 4 of H.R. 5815, as amended, would authorize the Secretary to enter into an agreement with the Medical University of

South Carolina (MUSC) to design, construct, and operate a co-located joint-use medical facility in Charleston, South Carolina, and would place a limitation of \$70,000,000 on the use of funds for advance planning and design of such a facility. The Committee report accompanying H.R. 5815, as amended, (H. Rpt. 109-643) discussed the final report of a Collaborative Opportunities Steering Group established to evaluate the prospects for construction involving VA and MUSC and highlighted and discussed two options in that report, Models A and A-1, as most viable.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 804 of the Compromise Agreement follows the House language to authorize the Secretary to enter into an agreement with MUSC to design and plan for the operation of a co-located joint-use medical facility in Charleston, South Carolina. The amount authorized for advance planning and design of such a facility is reduced to \$36,800,000. This change reflects the Committees agreement that Model A is not viable and that Model A-1 is the model which should be reviewed. The Committees also note their agreement with the statement in the House Committee report that, because of the limitation of the funding to advance planning and design, VA would be required to seek additional, specific authorization for the construction of a facility in Charleston, SC, consistent with section 8104 of title 38, United States Code.

AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MEDICAL FACILITY LEASES

*Current law*

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA medical facility lease with an annual lease payment of more than \$600,000.

*Senate bill*

Section 4 of S. 3421 would authorize the following leases:

Location	Purpose	Cost
Baltimore, MD .....	outpatient clinic .....	\$10,908,000
Evansville, IN .....	outpatient clinic .....	8,989,000
Smith County, TX .....	outpatient clinic .....	5,093,000

*House bill*

Section 7(a) of H.R. 5815, as amended, contains a similar provision.

*Compromise agreement*

Section 805 of the Compromise Agreement contains this provision.

AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MEDICAL FACILITY LEASES

*Current law*

Section 8104 of title 38, United States Code, requires Congressional authorization of any VA medical facility lease with an annual lease payment of more than \$600,000.

*Senate bill*

Section 5 of S. 3421, as amended, would authorize the following leases:

Location	Purpose	Cost
Austin, TX .....	outpatient clinic .....	\$6,163,000
Lowell, MA .....	outpatient clinic .....	2,520,000
Grand Rapids, TX .....	outpatient clinic .....	4,409,000
Las Vegas, NV .....	up to four outpatient clinics .....	8,518,000
Parma, OH .....	outpatient clinic .....	5,032,000

*House bill*

Section 7(b) of H.R. 5815 contains a similar provision.

*Compromise agreement*

Section 806 of the Compromise Agreement contains this provision.

AUTHORIZATION OF APPROPRIATIONS

*Current law*

Section 8104 of title 38, United States Code, requires Congressional authorization of ap-

propriations for VA major medical facility projects.

*House bill*

Section 8 of H.R. 5815, as amended, would authorize \$578,000,000 for fiscal year 2006 major medical facility projects; \$1,758,920,000 for fiscal year 2007 for projects under CARES; \$24,990,000 for fiscal year 2006 leases; and \$26,642,000 for fiscal year 2007 leases.

*Senate bill*

Section 6 of S. 3421 would authorize \$998,000,000 for fiscal year 2006 major medical facility projects; \$1,750,120,000 for fiscal year 2007 for projects under CARES; \$221,766,000 for fiscal year 2007 major medical facility projects; \$24,990,000 for fiscal year 2006 leases; and \$26,642,000 for fiscal year 2007 leases.

*Compromise agreement*

Section 807 of the Compromise Agreement would authorize \$708,000,000 for the projects in section 801; \$1,758,920,000 for the projects whose authorization is extended by section 802; \$221,766,000 for the projects authorized in section 803; \$36,800,000 for the advanced planning and design authorized in section 804; \$24,990,000 for the leases authorized in section 805 and \$26,642,000 for the leases authorized in section 806.

SUBTITLE B—FACILITIES ADMINISTRATION  
DIRECTOR OF CONSTRUCTION AND FACILITIES  
MANAGEMENT

*Current law*

No applicable current law.

*House bill*

Section 11 of H.R. 5815, as amended, would establish within the VA the position of Director, Construction and Facilities Management; require that the individual appointed meet certain qualifications; and mandate that this position have responsibility for Department-wide construction and facility management.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 811 of the Compromise Agreement follows the House language.

INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS

*Current law*

Section 8104 of title 38, United States Code, defines a major medical facility project as a project for construction, alteration, or acquisition of a medical facility involving a total expenditure of more than \$7,000,000.

*Senate bill*

Section 7 of S. 3421, as amended, would raise the threshold for major medical facility projects from \$7,000,000 to \$10,000,000.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 812 of the Compromise Agreement follows the Senate language and would raise the threshold for major medical facility projects from \$7,000,000 to \$10,000,000.

LAND CONVEYANCE, TOWER PARK, FORT THOMAS, KENTUCKY

*Current law*

No applicable current law.

*Senate bill*

Section 18 of S. 1182 would allow the VA to transfer certain historic properties on the Fort Thomas, KY campus of the Cincinnati VAMC to the city of Fort Thomas for fair market value.

*House bill*

Section 10 of H.R. 5815 contains a similar provision.

*Compromise agreement*

Section 813 of the Compromise Agreement follows the House language.

SUBTITLE C—REPORTS ON MEDICAL FACILITY IMPROVEMENTS

REPORT ON OPTIONS FOR MEDICAL FACILITY IMPROVEMENTS IN SAN JUAN, PUERTO RICO

*Current law*

No applicable current law.

*House bill*

Section 9 of H.R. 5815, as amended, would express the sense of Congress that the need for medical facility improvements in San Juan, Puerto Rico, is not being adequately addressed and requires the VA to report to the Committees on Veterans' Affairs of the Senate and House of Representatives on the viability of entering into a public or suitable non-profit organization partnership for the construction and operation of a facility that would replace the current VAMC in San Juan, Puerto Rico, not later than 180 days after the date of enactment.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 821 of the Compromise Agreement follows the House language with a modification to eliminate the sense of Congress language.

BUSINESS PLANS FOR ENHANCED ACCESS TO OUTPATIENT CARE IN CERTAIN RURAL AREAS

*Current law*

No applicable current law.

*House bill*

Section 12 of H.R. 5815, as amended, would require the VA to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 180 days after the date of enactment, a business plan for enhanced access to outpatient care for primary, mental health and specialty care through new sites of care, expansions at existing sites, use of existing authority and policies to contract for care where necessary, and increased use of telemedicine in each of the following areas: (1) the Lewiston-Auburn area of Maine; (2) the area of Houlton, Maine; (3) the area of Dover-Foxcroft, Maine; and (4) area of Whiteside County, Illinois.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 822 of the Compromise Agreement follows the House language.

REPORT ON OPTION FOR CONSTRUCTION OF A DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN OKALOOSA COUNTY, FLORIDA

*Current law*

No applicable current law.

*House bill*

Section 13 of H.R. 5815, as amended, would require the VA to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives, not later than 180 days after the date of enactment, a report on the options for the construction of a new medical facility in Okaloosa County, Florida.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 823 of the Compromise Agreement generally follows the House language with a modification to add a requirement that the feasibility study be carried out in consultation with Secretaries of Defense and Air Force. Additionally, any report provided by

this study would be transmitted to the House and Senate Armed Service Committees.

**TITLE XI—INFORMATION SECURITY MATTERS**

**DEPARTMENT OF VETERANS AFFAIRS INFORMATION SECURITY ENHANCEMENT ACT OF 2006**

DEPARTMENT OF VETERANS AFFAIRS  
INFORMATION SECURITY

*Current law*

No applicable current law.

*House bill*

Section 4 of H.R. 5835, as amended, would amend Chapter 57 of title 38 to create the Office of the Under Secretary for Information Security and identify the responsibilities of the Chief Information Officer and require an annual report be submitted to the House and Senate Committees on Veterans' Affairs.

Section 5721 of H.R. 5835, as amended, would provide a definition for the following: (1) sensitive personal information; (2) data breach; (3) data breach analysis; (4) fraud resolution services; (5) identity theft; (6) identity theft insurance; and (7) principal credit reporting agency.

Section 5722 of H.R. 5835, as amended, would create the Office of the Under Secretary for Information Services.

Section 5723 of H.R. 5835, as amended would provide the responsibilities of the Chief Information Officer; and a report to the Committees on Veterans' Affairs of the Senate and House of Representatives, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, on the Department's compliance with FISMA.

Section 5724 of H.R. 5835, as amended, would require the Secretary to submit a report, not later than 30 days after the last day of a fiscal quarter, to the Committees on Veterans' Affairs of the Senate and the House of Representatives, on any data breach with respect to sensitive personal information processed or maintained by the Department that occurred during that quarter. This report would contain the Administration and facility of the Department responsible for processing or maintaining the sensitive personal information involved in the data breach.

Section 5725 of H.R. 5835, as amended, would require Independent Risk Analysis from a non-Department entity or the VA Office of Inspector General, the Secretary provide credit protection services, and notification to an individual whose sensitive personal information is involved in a data breach.

Section 5726 of H.R. 5835, as amended, would provide credit protection services to a covered individual, who, for the purposes of this section, is an individual whose sensitive personal information processed or maintained by the Department (or any third-party entity acting on behalf of the Department) is involved, on or after August 1, 2005, in a data breach for which the Secretary determines a reasonable risk exists for the potential misuse of sensitive personal information under section 5725(a)(2) of title 38, United States Code.

Section 5727 of H.R. 5835, as amended would provide for the payment of liquidated damages by contractors in the event of a data breach by the contractor, and provides that amounts collected be used to provide credit protection services to affected individuals.

Section 5728 of H.R. 5835, as amended, would authorize such sums as may be necessary for each fiscal year to be appropriated to carry out this subchapter.

Section 4 of H.R. 5835, as amended, would make clerical amendments, and require the

Secretary to publish regulations to carry out this subchapter not later than 60 days after enactment.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 902 of the Compromise Agreement would establish the Department of Veterans Affairs Information Security Programs and Requirements. This Compromise Agreement eliminated sections 2 and 3 of H.R. 5835, as amended. Section 5721 of the Compromise Agreement would provide the purpose of the Information Security Program.

Section 5722 of the Compromise Agreement would establish policy guidance for the Department Information Security Program and create the elements for the Department Information Security Program.

Section 5723 of the Compromise Agreement would provide the Responsibilities for the (a) Secretary of Veterans Affairs; (b) Assistant Secretary for Information Technology; (c) Associate Deputy Assistant Secretary for Cyber and Information Security; (d) Department Information Owners; (e) other key officials; (f) users of Department Information and Information Systems; and (g) Inspector General of the Department of Veterans Affairs.

Section 5724(a) of the Compromise Agreement would provide Independent Risk Analysis in the event of a data breach with respect to the sensitive personal information that is processed or maintained by the Secretary. If the Secretary determines reasonable risk exists based on the results of the risk analysis under section 5724(a) of the Compromise Agreement, credit protection services would be provided in accordance with the regulations prescribed under section 5724(b).

Section 5724(b) of the Compromise Agreement would also direct the Department of Veterans Affairs to issue implementing regulations not later than 180 days after enactment, and at a minimum address: (1) notification; (2) Data mining; (3) Fraud alerts; (4) Data breach analysis; (5) Credit monitoring; (6) Identity theft insurance; and (7) Credit protection services.

Section 5724(c) of the Compromise Agreement would provide notification to the House and Senate Committees on Veterans' Affairs with a report on the findings of the independent risk analysis. In the event that information maintained by the Department of Defense is included in a VA data breach, the House and Senate Committees on Armed Services would also be provided a report under section 5724(c) of the Compromise Agreement.

Section 5725 provides that contracts for data processing or maintenance contain specific language pertaining to data breaches.

Section 5726 of the Compromise Agreement would require quarterly reports and notice to Congress on data breaches, whereas Section 5723(c) of H.R. 5835, as amended required monthly reports. This provision for quarterly reports may be included as part of other reports to the Committees such as the quarterly reports required of VA in section 222 of Public Law 109-114, the Military Quality of Life and Veterans Affairs Appropriations Act of 2006. Section 5727 of the Compromise Agreement would also include timely reports on a significant data breach of the sensitive personal information held by the Department.

Section 5727 of the Compromise Agreement would provide definitions for terms used in Section 902 of the Compromise Agreement.

Section 5728 of the Compromise Agreement would provide authorization for appropriations.

INFORMATION SECURITY EDUCATION ASSISTANCE PROGRAM

*Current law*

No applicable current law.

*House bill*

Section 7 of H.R. 5835, as amended would add a new chapter 79, "Information Security Education Assistance Program," to title 38, United States Code. Section 7901 of H.R. 5835, as amended, would encourage the recruitment and retention of Department personnel who have the information security skills necessary to meet Department requirements. Section 7902 of H.R. 5835, as amended, would provide information on the scholarship program, by which the Secretary may award up to five scholarships in any academic year to individuals who did not receive assistance under this section for the preceding academic year. Under section 7903 of H.R. 5835, as amended, the Secretary would be authorized to establish an education debt reduction program for up to five individuals for each fiscal year. Section 7904 of H.R. 5835, as amended, would provide preferences in awarding financial assistance. Section 7905 of H.R. 5835, as amended, would require honorable discharge for veterans receiving assistance. Section 7906, of H.R. 5835, as amended, would require the Secretary to prescribe regulations for the administration of new Chapter 79. Section 7907 of H.R. 5835, as amended, would terminate the authority of the Secretary to make payments under the new Chapter 79 on July 31, 2017.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 903 of the Compromise Agreement generally follows the House language. However, under the Compromise Agreement, the program is voluntary rather than mandatory and would reduce the number of scholarships and participants in the education debt reduction program to a single individual for each program identified under section 903 of the Compromise Agreement. Section 903 of the Compromise Agreement would also make conforming amendments, require a Government Accountability Report on the programs created under this section not later than 3 years after enactment, and apply scholarships with respect to financial assistance for semesters or terms that begin on or after August 1, 2007.

**TITLE X—OTHER MATTERS**

NOTICE TO CONGRESSIONAL VETERANS COMMITTEES OF CERTAIN TRANSFERS OF FUNDS

*Current law*

There are numerous requirements (e.g., Sections 201, 216, 225, 226, and 227 of P.L. 109-114) in current law for VA to notify congressional committees as to actions the Department is undertaking or contemplating undertaking regarding the transfer of appropriations from one account to another account.

*Senate bill*

The Senate Bills contain no comparable provision.

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 1001 of the Compromise Agreement would require VA to provide the Committees on Veterans' Affairs of the Senate and House of Representatives with copies of any notifications regarding the transfer of appropriations the Department is required by law to provide to any other Congressional Committee.

CLARIFICATION OF CORRECTIONAL FACILITIES  
COVERED BY CERTAIN PROVISIONS OF LAW

*Current law*

Section 5313 of title 38, United States Code, limits the amount of VA compensation that may be paid to a veteran who is incarcerated in a "Federal, State, or local penal institution" for more than 60 days for conviction of a felony. Sections 1505(a), 3108(g), 3231(d), 3482(g), 3532(e), and 5313A of title 38, United States Code, also limit the provision of certain benefits to veterans, survivors, and dependents who are incarcerated in a "Federal, State, or local penal institution."

*Senate bill*

Section 604 of S. 2694, as amended, would make a technical amendment to section 5313 of title 38, United States Code, to clarify that the limitation set forth in that section does apply to a felon incarcerated in any type of penal facility, including a facility operated by a private contractor. It would make the same clarifying change in all title 38 sections that contain the phrase "Federal, State, or local penal institution."

*House bill*

The House Bills contain no comparable provision.

*Compromise agreement*

Section 1002 of the Compromise Agreement follows the Senate language.

EXTENSION OF AUTHORITY FOR HEALTH CARE  
FOR PARTICIPATION IN DOD CHEMICAL AND BIOLOGICAL WARFARE TESTING

*Current law*

Section 1710(e)(2)(B)(3) of title 38, United States Code, provides the authority for VA to provide health care for those who participated in DoD chemical and biological warfare testing to December 31, 2005.

*House bill*

Section 2(a) of H.R. 6342 would extend the authority for VA to provide health care for those who participated in DoD chemical and biological warfare testing to December 31, 2007.

*Senate bill*

The Senate Bills contain no comparable provision.

*Compromise agreement*

Section 1003 of the Compromise Agreement follows the House language.

Mr. CRAIG. Mr. President, currently, veterans and other claimants seeking veterans' benefits may not hire an attorney until the VA administrative proceedings have been completed—a process that often takes several years.

That law flows from a Civil War era policy intended to protect veterans from unscrupulous attorneys. That policy arose at a time—unlike today—when attending law school was not required to become a lawyer and there was no effective professional oversight of lawyers.

In recent months, it has become abundantly clear that many veterans and their survivors want the option of hiring an attorney to help them navigate the increasingly complex VA system. In fact, the prohibition against veterans hiring attorneys is considered to be unfair and outdated by a broad spectrum of individuals and organizations, including veterans' organizations, veterans' advocates, judges, law professors, and bar associations.

For these reasons, I am very pleased that a compromise version of legisla-

tion I authored was accepted that would allow veterans to hire attorneys after a veteran files a Notice of Disagreement with VA's initial decision on their claim.

A provision of S. 3421 will enable the spouses of seriously wounded veterans to obtain educational assistance benefits sooner than they have ever been able to before.

The need for the educational assistance provision was brought to my attention by U.S. Army SFC Jeff Mittman, a young man who was blinded after an attack in Iraq and is being treated at Walter Reed Army Medical Center.

Sergeant First Class Mittman's wife would like to begin receiving educational assistance benefits from the VA while her husband undergoes treatment in order to improve her job opportunities once he is officially discharged from service, but is now prevented from doing so by law. If enacted, S. 3421 would remove that barrier.

Finally, S. 3421 would remove the cremated remains of a convicted double murderer from Arlington National Cemetery.

In the summer of 2005, we learned that the remains of a brutal murderer—Russell Wayne Wagner—were placed in the Nation's preeminent military cemetery, Arlington National Cemetery.

I was appalled to discover that the law enacted in 1997 to deny capital offenders from burial in national cemeteries did not apply to Wagner.

This was also quickly brought to my attention by the Senator from Maryland, BARBARA MIKULSKI. We joined together in that effort. The answer was it couldn't happen, it couldn't be removed because of the law.

While we moved swiftly to close the loophole that permitted Wagner's burial in the first place, the question remained: Should his remains continue to be included among the scores of honored dead in Arlington? For me and Senator MIKULSKI, who joined me in this effort, the answer was "no."

That is why I am so pleased that S. 3421 would direct the Secretary of the Army to remove Wagner's remains from Arlington.

As I stated last summer, we must not dishonor the sacrifices made by those memorialized at our Nation's military cemeteries by including among them individuals who, through their own heinous acts, have grievously dishonored themselves because at another time in their life they were veterans.

S. 3421 is an impressive assortment of legislation. It contains the collective work of more than 44 Senators. I want to take some time to single out a few of them.

Senators BURR and OBAMA for their work on the homeless assistance provisions of the bill; Senators HUTCHISON, FEINSTEIN, GRAHAM, LANDRIEU, and MURRAY for their work on the construction provisions; Senators THUNE,

SALAZAR, and BURR for their work on the rural health components of the bill.

And lastly, the committee's ranking member, and a true friend of veterans, Senator AKAKA.

I ask my colleagues for their vote. And I thank every Senator on the committee and in the Senate for their support in seeing this, and all of the other veterans' bills, through the Senate.

I also want to thank my House colleagues, in particular Chairman BUYER, Ranking Member EVANS, and Acting Ranking Member FILNER. We were able to come together in the spirit of compromise in the final hour on some key provisions, and it is a fitting way to end this Congress.

As we head into a new Congress, I want to extend my best wishes to my friend, and soon-to-be chairman, Senator AKAKA. It has been a pleasure working with a Senator of his quality, and I pledge that as ranking member I will strive to emulate the kindness, cooperation, and "aloha" that he showed me during my time as chairman of this great committee.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I commend the distinguished chairman of the Committee on Veterans' Affairs. Senator CRAIG has done an outstanding job of making sure the laws that weren't working, where we were not doing what we should be doing to help our veterans, were changed.

He has worked a long time on the bill now coming to its final passage—finally. He has been working on it for 2 years, that I am aware. He has done a terrific job. There is a lot of authorization that is essential to go forward next year on appropriations.

I appreciate the work of the Senator. He is retiring as chairman of the Committee on Veterans' Affairs and going to ranking member. I know his working relationship with the new chairman is such that we will continue to see progress in this area.

MILITARY CONSTRUCTION APPROPRIATIONS

I will talk about the continuing resolution being passed by the House in a few hours that will be sent to the Senate. We will send that bill to the President to meet the midnight deadline so Government can continue to function.

I am talking tonight about this bill with very mixed feelings because I am chairman of the Appropriations Subcommittee on Military Construction, Veterans' Affairs and Related Agencies, and I wanted to pass the full bill, the appropriations for military construction, and I wanted to make sure we covered our veterans' needs. It is an important subcommittee, of which I have served as chairman these last 2 years. I have worked with my ranking member, Senator FEINSTEIN, to assure we had the funding we needed. Senator FEINSTEIN and I were ready to go on our bill. It passed in September. It is a bill that passed unanimously in the Senate. I know everyone agreed we had

covered the bases that need to be covered to do what is right for our military—active duty and the veterans—who have served our country in the past.

Unfortunately, our full bill is not going to pass. It is not going to pass because, first, it was held up in the Senate for appointing conferees, held up by a few Senators who thwarted the majority. I was very disappointed we lost those weeks. Our Appropriations Committee chairman THAD COCHRAN tried, as I, to pry the bill out so we could go to conference and work with the House.

Finally, this week, through the leadership of Senator FRIST and Senator STEVENS from Alaska, the chairman of the Appropriations Subcommittee on Defense, we were able to alleviate all of the concerns raised and get the bill to conference.

Then, unfortunately, the members of the House committee had determined we did not have enough time to conference the bill. I think we did have enough time. We had the time to do all of the construction that should be started right now. However, that is not going to happen.

I would not have allowed this bill to go forward, and I would be speaking against it right now if we did not have a provision in the House-passed continuing resolution that will give budget transfer authority to the Department of Veterans Affairs so that there will be no medical need, no service need, no payment to any veteran that will not be made before this continuing resolution runs out.

If that provision had not been added in the bill, we would not be passing this bill tonight because I would be talking all night to keep it from passing.

I called the Secretary of Veterans Affairs this afternoon, and I asked him if he could assure me that there would be enough money in the accounts from which they could transfer to assure that all of the medical needs, including surges in medical needs, would be able to be given. The Secretary assured me that is the case. The Secretary said they had enough surplus money, enough rainy day fund money, and enough money in the other accounts that they would not hurt the other accounts and they would be able to transfer. He did say that by the time we got to February 15, if we didn't have a full bill, they would be beginning to run into trouble. He gave me his word—and I know his word is good—that if they see some shortfall that would start happening before February 15, and if there is no bill, he would call me immediately, and we would begin to work on a supplemental approach.

I am certainly going to trust his word. Secretary Nicholson has been a man of his word throughout these years I have worked with him. He is a veteran himself, a distinguished veteran. He knows the veterans issues. He cares about veterans. He will call, as he

did last year when he saw a looming shortfall and he asked for help and we gave him the help to assure the veterans' needs would be met. We are going to cover it, and we are going to do it in a way that will assure that the medical care is given.

I have to say, I am disappointed we are going to adjourn without completing the full bill, without completing the military construction so it can start right away, without completing the appropriations and the priorities that we are putting in the next year for veterans. I know they will not suffer in any way because Secretary Nicholson assured me of that.

I will be watching. I will be staying on top of the VA's financial situation throughout this period that the continuing resolution is going to run, to the middle of February. If a problem arises, I will not stop advocating for the supplemental appropriation that will be necessary to assure we have the funding we need.

We will work together in this Congress to assure that the men and women who are protecting our freedom, as we speak today, get the quality of life they deserve. We will continue to work together to assure that the veterans who have served our country, who have answered the call of our country, are given everything to which they are entitled and which we owe them.

I am going to be the ranking member of this subcommittee next year, having served as chairman for 2 years with a wonderful ranking member, Senator FEINSTEIN. It has been pure joy. She has a wonderful staff. We have never had a disagreement that couldn't be worked out. We have made sure the priorities, which are the same for both of us, have been met. I will be a loyal ranking member, and I hope the new chairman will have the same relationship and the same overall goal for Military Construction and Veterans Affairs that Senator FEINSTEIN and I have had. I believe he will.

I am going to vote for the continuing resolution. However, I could not be more disappointed that we did not pass the full appropriations bill for Military Construction and Veterans Affairs. I know the veterans will be taken care of, and I know the military construction will begin with the new starts a couple of months late. We will get those projects done with that small delay. I am going to make it my priority to assure that happens.

Senator STEVENS has come to the Senate. I want to say, in addition to Senator COCHRAN, Senator STEVENS and Senator INOUE have been the advocates for our military throughout the time I have been in the Senate. I am honored to be a member of the Appropriations Subcommittee on Defense. I know those two leaders work together, as Senator FEINSTEIN and I do, and that is with one goal: to make sure the military, who are in harm's way, who are fighting so we may speak free-

ly in this Chamber, who are fighting for our children and grandchildren to have the freedom we enjoy and that has been given to us by generations past, will have the opportunities they deserve, and that is the quality of life that we can give them.

I thank the Senate for coming to the end with this continuing resolution. I will support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to take a few minutes. I ask unanimous consent the Senator from Ohio, Mr. DEWINE, be permitted to take the floor following my remarks.

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

Mr. STEVENS. Mr. President, we ought to understand what we are talking about now because the bills that are before the Senate now and the CR should have been enacted by October 1. This bill will move that money out to February now and will not be available to the department agencies until sometime in February.

I am concerned about this because prior to this Congress, the quality-of-life money for the members of the Department of Defense was under the Appropriations Subcommittee on Defense that I cochair with my friend from Hawaii, Senator INOUE.

We are disturbed that Congress has not finished its work on the Military Construction and Veterans Affairs appropriations bill. To me, the failure to complete this work is inexplicable.

I am disappointed we are unable to reach an agreement with the House on the matters contained in this bill and to realize the necessity of completing action on the bill in total. We are neglecting our congressional responsibilities by not completing work on this bill. It is unfortunate. We have had a considerable amount of time to do so.

This is not a routine disagreement between Members of the House and the Senate. This is a disagreement that affects our Nation while we are at war. We have hundreds of thousands of service men and women deployed around the world. This sends a message we are not willing to take the time to finish the work necessary to assure they have the money, the funding, the facilities to do the work we have asked them to do. It will have an impact on military life and the morale of our armed services.

The Military Construction appropriations bill not only contains money for military construction and for quality of life, but it also contains the money for our veterans. In total, it provides critical funding for family housing, barracks, mission facilities, implementation of the base closure and realignment process, maintenance of defense and veterans facilities, environment cleanup, the Defense Health Program, and medical care for our veterans.

Now I am told that the CR does now come up to the President's request for

the medical health program, and that really removes part of my objection to proceeding on this bill. Without this bill, the Department of Defense and Veterans Affairs have to contend with this continuing resolution. Most people do not understand it. It means these moneys will be postponed until mid-February, the additional moneys that are necessary to meet the additional demands being placed on our Armed Services before September 30. We are supposed to finish this bill by September 30.

I am told the Department of Defense will not be able to start a single military construction project, although those projects were authorized more than 3 months ago. It means the projects cannot be started until the regular bill is passed. I hope it will be passed in February.

Now, I took the time to go to Italy and look at the new Army base there and the new Air Force base there, as we are redeploying our forces from Germany and other places into Italy. Those projects involve barracks, quality of life facilities, and family housing. That cannot go forward. The money will not be available because it was not covered by the 2006 appropriations bill. It is not covered by this continuing resolution.

I think it is true now, because of what I mentioned, the Veterans' Administration should be able to sustain the medical care for our veterans without disruption. But I can tell the Senate, they will not be able to go much more than mid-February without running into real trouble. So one of the first bills that ought to be considered when we get back is the Veterans appropriations bill.

I am here tonight because I announced to our conference I would oppose this CR unless it contained these bills in it. After consulting, and my staff consulting, with the Department of Defense, the Veterans' Administration, and understanding what the House has done now since that time on the medical portion for the Veterans' Administration, it does not seem possible for me to do that now. All I can do is express my deep reservation about voting for this bill under the circumstances.

We should have had at least the balance of the military money and the veterans money made available by this Congress before we went home. And I am really disappointed it is not possible.

Mr. President, I say to the Senator from Texas, you wish the floor again? The Senator from Ohio would follow me, but you wish to comment?

Mrs. HUTCHISON. Mr. President, I would just like to clarify, with the Senator from Alaska on this subject, that the Senate did act. The Senate did pass our bill, and we did appoint conferees, and it was a lack of willingness on the part of the House to have conferees meet with the Senate. His disappointment is the same as mine.

I am going to start working on January 4, when we are sworn in to the new Congress. And I hope we can take the bill that has been passed unanimously by the Senate and work through the appropriations process and pass this bill before the continuing resolution is ended on February 15. We do not have to wait until February 15. And once the committee is constituted, and we have a chairman and a ranking member, I will be the ranking member, and I will work with the chairman. And I hope we can pass this bill because it is in very good order and it was unanimously supported by the Senate. And I think we are pretty close to what the House passed. I think, with a strong will, we will be able to come in before February 15 and start those projects about which the Senator from Alaska just spoke.

So I will look forward to working with him in the new year, both for Defense appropriations and for this Military Construction bill and the Veterans Affairs bill and the military quality of life that is in the bill that we passed in the Senate earlier this year.

I thank the Senator.

Mr. STEVENS. Mr. President, I thank the Senator from Texas for those comments.

My point is, the Congress as a whole should have finished its job. We should have done this job before this Congress ends, particularly for those bills which impact the men and women in our Armed Services, their families, and the veterans who have served, particularly the new class of veterans now who are coming out of the service, many of whom are wounded. Many of them have readjustment problems. This bill, the bill the Senator from Texas and her subcommittee prepared, would have answered many of those problems. It would have made money available now to deal with them.

I am chagrined that bill is not going to pass. I think it is a failure of this Congress. And we ought to admit it is a failure. But as far as this Senator is concerned, we have done everything we can to try to rectify that. It is just not possible to get the Congress to vote. The House has already voted. I do not think it is possible for us to try to amend this bill now. And I am told the agencies involved have reviewed it and say they will find a way to continue their work until February without it.

That does not answer the question to me though because the things they should start now would be well underway by February, and it will not be possible with postponing this bill. It is a tragedy we are not able to complete our appropriations process, in my opinion.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Ohio.

#### HONORING OUR ARMED FORCES

JERKO "JERRY" ZOVKO

Mr. DEWINE. Mr. President, I rise this evening to pay tribute to Jerko

Zovko, a civilian contractor from Cleveland, who was killed on March 31, 2004, while doing his security work in Iraq.

Jerko—or "Jerry," as he was known by his family and friends—could be described as many things. He was a family man who maintained a close relationship with his parents, brother, and others in his Croatian community outside Cleveland. He was extremely bright, being fluent in five languages. He was extraordinarily brave, having served as an elite Army Ranger in Bosnia and Kuwait and then as a private security agent in Iraq.

Perhaps best described by his mother, Danica, "Jerry was a man with a principle and ideals. . . . He loved people. He wanted the world to be without borders, for everyone to be free and safe." Jerry gave his life for what he believed in, for a people who he thought deserved their freedom.

Born in Cleveland and raised in Euclid, OH, Jerry and his younger brother Tom cultivated their Croatian heritage through their tight-knit family and community. Jerry attended St. Christine School and then Euclid High School, where he played soccer. In his free time, he worked with his father at the family auto body shop. Known as a skinny kid growing up, no one could have predicted that he would grow into the hulking military man as his family lovingly described him.

Following high school, Jerry went to Ohio State University with the intention of becoming a doctor. However, his aspirations changed after a life-altering trip to his family's homeland of Croatia when the country was achieving its independence from the former Yugoslavia. Jerry predicted correctly that conflict was about to erupt in his family's homeland, and he wanted to be ready. He returned to the United States and enlisted in the Army when he was 19 years old.

Jerry was dedicated to the idea of universal freedom and he lived his life in pursuit of that goal. Jerry spent 8 years in the Army as a member of the elite Army Rangers and served mostly overseas, including in Bosnia and Kuwait. His personality shone through in whatever he did. Army buddies remembered with fondness how Jerry built a swimming pool on the roof of the barracks and how he would zip around the base on a motorcycle with a sidecar.

Not wanting to worry his family, Jerry used to tell his parents that he never saw combat because he was "just a cook." Though he knew his parents constantly feared for his safety, Jerry continued to risk his life for the good of others.

After being discharged as a Sergeant from the Army in 2001, Jerry joined Blackwater Security—a private security company—and worked for some time in Dubai. Jerry then decided that the Iraqi people needed his help. His family pleaded with him not to go, but in their hearts they knew that Jerry would do what he believed was right.