against the conference report to accompany the Senate concurrent resolution (S. Con. Res. 21) setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012, which was referred to the House Calendar and ordered to be printed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 403 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1585.

□ 2033

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, with Mr. PASTOR (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 14 printed in House Report 110–151 by the gentleman from Oregon (Mr. DEFAZIO) had been disposed of.

AMENDMENT NO. 21 OFFERED BY MS. WOOLSEY.

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 119, noes 303, not voting 15, as follows:

[Roll No. 366]

AYES—119

Ackerman	Clay	Filner
Baldwin	Clyburn	Frank (MA)
Becerra	Cohen	Gilchrest
Berry	Conyers	Green, Al
Bishop (NY)	Costello	Grijalva
Blumenauer	Crowley	Gutierrez
Boswell	Davis (IL)	Harman
Braley (IA)	DeFazio	Hastings (FL)
Capps	DeGette	Hinchey
Capuano	Delahunt	Hirono
Carson	DeLauro	Hodes
Castle	Doggett	Holt
Chandler	Ellison	Honda
Christensen	Farr	Hooley
Clarke	Fattah	Inslee
Jackson (IL)	Miller, George	Schwartz
Jackson-Lee (TX)	Moore (WI)	Serrano
Jefferson	Moran (VA)	Shea-Porter
Johnson (GA)	Murtha	Slaughter
Jones (NC)	Napolitano	Solis
Kaptur	Neal (MA)	Stark
Kind	Norton	Stupak
Kucinich	Oberstar	Thompson (CA)
Lee	Obey	Thompson (MS)
Levin	Olver	Tierney
Lewis (GA)	Pallone	Towns
Loebsack	Pastor	Udall (NM)
Lofgren, Zoe	Paul	Van Hollen
Lowey	Payne	Velázquez
Lynch	Peterson (MN)	Wasserman Schultz
Maloney (NY)	Petri	Waters
Markey	Price (NC)	Watson
Matsui	Rangel	Watt
McCollum (MN)	Rothman	Waxman
McDermott	Roybal-Allard	Weiner
McGovern	Rush	Welch (VT)
McNerney	Ryan (OH)	Wexler
McNulty	Sánchez, Linda T.	Woolsey
Meehan	Sarbanes	Yarmuth
Meeks (NY)	Schakowsky	

NOES—303

Abercrombie	Davis (CA)	Inglis (SC)
Aderholt	Davis (KY)	Israel
Akin	Davis, David	Issa
Alexander	Davis, Lincoln	Jindal
Allen	Davis, Tom	Johnson (IL)
Altmire	Deal (GA)	Johnson, E. B.
Andrews	Dent	Johnson, Sam
Arcuri	Diaz-Balart, L.	Jordan
Baca	Diaz-Balart, M.	Kagen
Bachmann	Dicks	Kanjorski
Bachus	Dingell	Keller
Baker	Donnelly	Kennedy
Barrett (SC)	Doolittle	Kildee
Barrow	Doyle	King (IA)
Bartlett (MD)	Drake	King (NY)
Barton (TX)	Dreier	Kingston
Bean	Duncan	Kirk
Berkley	Edwards	Klein (FL)
Berman	Ehlers	Kline (MN)
Biggert	Ellsworth	Knollenberg
Bilbray	Emanuel	Kuhl (NY)
Bilirakis	Emerson	LaHood
Bishop (GA)	English (PA)	Lamborn
Blackburn	Eshoo	Lampson
Blunt	Etheridge	Langevin
Boehner	Everett	Lantos
Bonner	Fallin	Larsen (WA)
Bono	Feeney	Larson (CT)
Boozman	Ferguson	Latham
Bordallo	Flake	LaTourette
Boren	Forbes	Lewis (CA)
Boucher	Fortenberry	Lewis (KY)
Boustany	Fortuño	Linder
Boyd (FL)	Fossella	Lipinski
Boyda (KS)	Foxx	LoBiondo
Brady (PA)	Franks (AZ)	Lucas
Brady (TX)	Frelinghuysen	Lungren, Daniel E.
Brown (SC)	Gallegly	Mack
Brown, Corrine	Garrett (NJ)	Mahoney (FL)
Brown-Waite, Ginny	Gerlach	Manzullo
Buchanan	Giffords	Marchant
Burgess	Gillibrand	Marshall
Burton (IN)	Gillmor	Matheson
Butterfield	Gingrey	McCarthy (CA)
Buyer	Gohmert	McCarthy (NY)
Calvert	Gonzalez	McCaul (TX)
Camp (MI)	Goode	McCotter
Campbell (CA)	Goodlatte	McCrery
Cannon	Gordon	McHenry
Cantor	Granger	McHugh
Capito	Graves	McIntyre
Cardoza	Green, Gene	McKeon
Carnahan	Hall (NY)	Melancon
Carney	Hall (TX)	Mica
Carter	Hare	Michaud
Castor	Hastert	Miller (MI)
Chabot	Hastings (WA)	Miller (NC)
Cleaver	Hayes	Miller, Gary
Coble	Heller	Mitchell
Cole (OK)	Hensarling	Mollohan
Conaway	Herger	Moore (KS)
Cooper	Herseth Sandlin	Moran (KS)
Costa	Higgins	Murphy (CT)
Courtney	Hill	Murphy, Patrick
Cramer	Hinojosa	Murphy, Tim
Crenshaw	Hobson	Musgrave
Cuellar	Hoekstra	Myrick
Culberson	Holden	Neugebauer
Cummings	Hoyer	Nunes
Davis (AL)	Hulshof	Ortiz
Pascrell	Royce	Sutton
Pearce	Ruppersberger	Tancredo
Pence	Ryan (WI)	Tanner
Perlmutter	Salazar	Tauscher
Peterson (PA)	Sali	Taylor
Pickering	Sanchez, Loretta	Terry
Pitts	Saxton	Thornberry
Platts	Schiff	Tiahrt
Poe	Schmidt	Tiberi
Pomeroy	Scott (GA)	Turner
Porter	Scott (VA)	Udall (CO)
Price (GA)	Sensenbrenner	Upton
Pryce (OH)	Sessions	Visclosky
Putnam	Sestak	Walberg
Radanovich	Shadegg	Walden (OR)
Rahall	Sherman	Walsh (NY)
Ramstad	Shimkus	Walz (MN)
Regula	Shuler	Wamp
Rehberg	Simpson	Weldon (FL)
Reichert	Sires	Weller
Renzi	Skelton	Westmoreland
Reyes	Smith (NE)	Whitfield
Reynolds	Smith (NJ)	Wicker
Rodriguez	Smith (TX)	Wilson (NM)
Rogers (AL)	Smith (WA)	Wilson (OH)
Rogers (KY)	Snyder	Wilson (SC)
Rogers (MI)	Souder	Wolf
Rohrabacher	Space	Wu
Ros-Lehtinen	Spratt	Young (AK)
Roskam	Stearns	Young (FL)
Ross	Sullivan	

NOT VOTING—15

Baird	Jones (OH)	Nadler
Bishop (UT)	Kilpatrick	Shays
Cubin	McMorris Rodgers	Shuster
Davis, Jo Ann	Meek (FL)	Wynn
Engel	Miller (FL)	
Faleomavaega		

□ 2042

Mr. FARR changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SKELTON. Madam Chairman, I ask unanimous consent to enter into a colloquy with the gentleman from Texas (Mr. ORTIZ).

The Acting CHAIRMAN (Ms. JACKSON-LEE of Texas). Without objection, the gentleman from Missouri is recognized for 5 minutes.

There was no objection.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Texas (Mr. ORTIZ) for the purpose of a colloquy.

Mr. ORTIZ. Madam Chairman, I thank the gentleman.

Mr. Chairman, I rise today to ask for your help to bring clarity to a disagreement in principle between the Department of Defense and the military depots over the definition of parts supply functions as they pertain to depot-level maintenance.

The 2005 BRAC Commission transferred supply, storage and distribution management functions to the Defense Logistics Agency without fully understanding the critical difference between parts supply from storage and in-process parts supply.

□ 2045

Without this clarification, military depots could lose control of parts movement during hands-on depot maintenance. Depot maintenance of war-related equipment is a critical piece of the services' reset program, and this clarification would ensure reset continues without disruption.

Mr. SKELTON. I thank the gentleman for raising this important issue, and I assure the gentleman from

Texas that I will assist him in achieving clarification of what appears to be an inherent depot maintenance function that affects the Army's and Marine Corps' ongoing equipment reset efforts.

Mr. ORTIZ. I also want to thank the chairman for joining me today in requesting the GAO investigate the impact on military equipment readiness that this ill-advised transfer of supply function could have. We are asking the GAO to look at the distinctions between supply from storage and in-process parts supply, whether the business plan developed by DOD could ensure a timely transferring without depot disruption, the impact on depot hourly rates, and the depots' ability to meet surge requirements if they lose this critical function.

Mr. SKELTON. These are all important questions, and I fully support the gentleman's efforts to review whether it is appropriate to transfer what appears to be an inherent depot function.

Mr. ORTIZ. I thank the gentleman for his support.

AMENDMENT NO. 30 OFFERED BY MR. TIERNEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 30 printed in House Report 110–151.

Mr. TIERNEY. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Mr. TIERNEY:

Title II, subtitle C, add at the end the following:

SEC. 2___. MISSILE DEFENSE FUNDING REDUCTIONS AND PROGRAM TERMINATIONS.

The amount in section 201(4) for research, development, test, and evaluation, Defense-wide, is hereby reduced by $1,084,400,000, to be derived from amounts for the Missile Defense Agency as follows:

(1) $298,800,000 from the termination of the Airborne Laser program.

(2) $177,500,000 from the termination of the Kinetic Energy Interceptor (KEI) program.

(3) $229,100,000 from the termination of the Multiple Kill Vehicle (MKV) program.

(4) $170,000,000 from the termination of the Third Interceptor Field at Ft. Greeley, Alaska.

(5) $150,000,000 from the termination of the Third Ground-Based Midcourse Defense site in Europe.

(6) $59,000,000 from the Space Tracking and Surveillance System (STSS) Block 2008 work and ''follow on'' constellation.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Madam Chair, the amendment I and my colleague, RUSH HOLT, are offering this evening is really quite simple. It reduces the $8.1 billion specified by the Missile Defense Agency by approximately $1 billion and takes a modest but necessary step in refocusing on missile defense policy.

I think we should make no mistake about it, we have spent $107 billion since the days of the Reagan administration on missile defense. We have had years of unanticipated cost growth, unacceptable schedule delays, and unaccountable management by the Pentagon.

It is time for a change in that policy. It is time for a change in how we address ballistic missile defense. We have plenty of other priority national security matters and more pressing homeland security needs to address.

How much longer can Congress continue to acquiesce and authorize billions of dollars in funds for this deeply flawed system?

The Pentagon continues to build before testing; it is a recipe for waste. We can tell my colleagues that if the status quo continues, the Congressional Budget Office projects the total cost for missile defense will peak in the year 2016 at about $15 billion per year, excluding cost risk.

If you add in cost risk, the CBO knows that the Pentagon's projected investment needs for missile defense might go to $18 billion. We are going to hear from others here that North Korea, Iran, and China have the potential for proliferation of missile technology, and all of that is not sufficient reason for opposing this amendment. The fact of the matter is that argument would rest on the false assumption that the current system could actually defend this country against those risks. It can't because it doesn't work. It continues to not be able to work because it lacks operational testing that is realistic. That hasn't occurred, and it does not look like it is likely to occur any time soon.

We know and understand the threats confronting this country, and a $1 billion cut in the Missile Defense Agency, the way it is done here, will certainly not compromise our national security. And, in fact, by forcing the Pentagon to test before it builds, it will actually make sure that we don't have false securities.

This Congress should not continue to acquiesce in the authorization on this deeply flawed system. We have to come to terms with certain stubborn realities and have the courage to change course.

We are not alone in thinking this way. There were seven reports issued last year from nonpartisan groups, the Government Accountability Office, the Department of Defense Inspector General, the Congressional Research Service, the Congressional Budget Office, the Pentagon's Director of Operational, Test and Evaluation, all arrived at the same conclusion: ''Change in this program is imperative.''

Our amendment will focus on high-risk, longer-term research programs and target those initiatives that simply do not warrant immediate congressional support. It reflects the views of the conferees to last year's defense authorization bill who wrote that they ''believe that the emphasis of our missile defense efforts should be on the current generation of missile defense capabilities.''

I would now like yield to my colleague, Mr. HOLT.

Mr. HOLT. Madam Chair, I thank my friend, Mr. TIERNEY, for his leadership on this issue. I have worked on nuclear proliferation and weapon defense issues for decades. I can assure my colleagues in this House that with our present or even projected technologies, the administration's ''neo-Star Wars'' proposal has poor odds of defeating a ballistic missile strike on the United States. Our missile defense system does not work and wishing will not overcome physics. It can be confused by decoys, it faces numerous testing problems. To put it bluntly, it is a faith-based military program, not one grounded in science.

Furthermore, it is destabilizing and it is a wasteful program that robs us of funds that we need for truly important real-world crises facing our communities and our Nation and our national security.

Mr. TIERNEY. Madam Chairman, I simply close by saying this is a system which has not been realistically tested in the operational sense. The moneys that are being cut here are not necessary for near-term programs. They are high risk, down the road.

It is appropriate for us to redirect those spendings on issues that are more immediate in terms of our national security defense at this point in time. I urge my colleagues to support this amendment.

Madam Chair, I yield back the balance of my time.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. Madam Chair, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. I thank the gentleman for yielding. I find myself in opposition to this amendment.

A $764 million reduction has already been made in the Missile Defense Agency programs. An additional billion dollars would terminate or cancel long-term missile defense programs which I think would not be in the correct mode for the United States. This amendment simply goes too far.

This amendment would effectively terminate most, if not all, of the Missile Defense Agency's longer term research and development programs. Given the dynamic security environment we find ourselves in today, I don't believe it is prudent to do this.

I oppose this amendment because, quite frankly, the committee strikes the right balance in cutting the amount of $764 million, and it should stay as the committee recommended.

Mr. HUNTER. Madam Chair, I yield 1 minute to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Madam Chairman, this amendment, is perhaps well intended

but goes much too far. This together with the $764 million that has already been cut from the bill provides us with a 20 percent cut in the missile defense program.

Since 2001, contrary to what the proponents of this amendment just said, the Missile Defense Agency has conducted 27 successful hit-to-kill intercepts. That is 27 out of 36 attempts. I am very proud of these results.

Let me just highlight some of them. On September 1, 2006, we successfully employed an operational ground-based mid-course defense interceptor.

In November 2005 and in June 2006, and again in April 2007, less than a month ago, the SM–3 successfully intercepted both separating and unitary targets.

In July 2006, January 2007, and April 6, 2007, the Terminal High Altitude Area Defense, THAAD, System, successfully intercepted unitary targets.

Finally, during this past March, we saw a successful hit in-flight test of the Airborne Laser Targeting System; all successes, not failures.

Mr. HUNTER. Madam Chairman, I yield 1½ minutes to the chairwoman of the Strategic Subcommittee, the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Madam Chair, I thank the gentleman for yielding, and I want to thank my colleagues very much for bringing this issue up, although I cannot support their amendment. I appreciate not only their frustration, but their energy that they bring to the debate because, frankly, as the Chair of the subcommittee, that is the reason we did cut $764 million from this program.

For a long time I think many of us have been concerned that this has been an agency that has been obviated from all of the normal conventions of responsibility and testing regimen and accountability. I think what we see now is that we do have components of missile defense that are successful. Certainly PAC–3 is successful, certainly Aegis BMD is successful, and many of us have very high hopes for THAAD.

The ground-based system has not had as successful testing as many would like. As frustrated as my colleagues may be, as severe a cut as they are proposing is too detrimental to our ability to do what we try to do in this bill, which is to deliver in the near term the kind of protections that we need to have for not only the American people here at home, but for our warfighters deployed down range.

These medium and short-range missile threats are real. It is important that we keep this funding going so we can deliver on these good opportunities while we restructure the program and while we hold the Missile Defense Agency accountable for the first time.

I have to reluctantly oppose this amendment.

Mr. HUNTER. Madam Chairman, I yield 1 minute to the ranking member of the Strategic Subcommittee, Mr. EVERETT.

Mr. EVERETT. Madam Chair, you know, you can attack this a number of ways. Basically what the proponents of this amendment say is that they simply don't like missile defense. I would like to go to where the gentleman from New Jersey and the chairman of the committee went.

There have been 27 successful kills; ground-based missile defense, 5 of 8; Aegis, 8 of 10; THAAD, 3 of 4; Predator, PAC–3, 11 of 14.

A key theme of our bill is we should not proceed with some missile defense programs without robust testing, but testing and systems engineering are always the first to go when cuts are levied on programs. How can you test without money?

I think that is a point of their amendment. They know you can't test without money, and they are against testing and against the missile defense system.

I urge a ''no'' vote on the amendment.

Mr. HUNTER. Madam Chair, very simply, testimony by General Bell, who is commander of U.S. Forces Korea, before the HASC on March 7 said: ''I've got 800 of these missiles pointed at U.S. troops right now in South Korea. So I would support vigorously a robust approach to theater ballistic missile defense, layered defense, intercontinental ballistic. It's a very important part of the total approach to this very serious problem.''

I would very strongly recommend a ''no'' vote on this amendment.

□ 2100

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. TIERNEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. TIERNEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

NOTICE TO ALTER ORDER OF CONSIDERATION OF AMENDMENTS

Mrs. TAUSCHER. Madam Chairman, pursuant to section 3 and 4 of House Resolution 403, and as the designee of the chairman of the Committee on Armed Services, I request that during further consideration of H.R. 1585 in the Committee of the Whole, and following consideration of amendment No. 43, the following amendments be considered in the following order: amendment No. 7, amendment No. 1.

AMENDMENT NO. 11 OFFERED BY MR. FRANKS OF ARIZONA

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–151.

Mr. FRANKS of Arizona. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. FRANKS of Arizona:

Title II, subtitle C, add at the end the following:

SEC. 2___. INCREASED FUNDS FOR BALLISTIC MISSILE DEFENSE.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, Defense-wide, is hereby increased by $764,000,000, to be available for ballistic missile defense.

(b) OFFSET.—The amounts in title I and title II are hereby reduced by an aggregate of $764,000,000, to be derived from amounts other than amounts for ballistic missile defense, as determined by the Secretary of Defense.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Madam Chairman, we currently only have a limited missile defense capability against limited threats. China is utilizing space for weapons testing, Iran is expected to have missiles capable of reaching the U.S. in less than 8 years, and now nuclear North Korea continues to defiantly test long-range missiles. Proliferation throughout the Middle East is rampant, and Osama bin Laden has stated, ''It is our religious duty to gain nuclear weapons.''

Madam Chair, the first job of Congress is to protect this Nation, and because of the day in which we live, that includes an obligation on our part to ensure that the Department of Defense develops and deploys defensive capabilities that protect the American people and our warfighters against nuclear missiles, which remain the most dangerous weapons humanity has ever faced.

This bill cuts almost $800 million in funding that would help close the critical gaps in our missile defense system.

One of the programs the majority believes is not worthy of the investment is the Airborne Laser. Madam Chair, the Airborne Laser is our primary and most mature boost-phase missile defense system. ABL is a speed-of-light technology that defends against enemy missiles in their earliest phase of flight, before they can initiate sophisticated countermeasures, before they can release multiple warheads, and while they are still on enemy territory.

The bill also takes $160 million from the Missile Defense Agency's $310 million request for the European site, which would defend United States homeland and our European allies and deployed warfighters against ballistic missile attacks from Iran.

Madam Chair, they completely eliminate even the small $10 million budget for conceptual studies of a space test

bed, which would give the United States the technology to defend space assets and defend against enemy missiles in their critical boost phase of flight.

We must, Madam Chairman, have access to space, and we must be able to defend our space assets. It is astonishing to me that this has become a partisan issue.

Madam Chair, if we build a truly robust, layered missile defense system in this country, the day may come when we will have to apologize to the American people for building a defensive system that proved to be unnecessary. But God save us from the day, Madam Chair, when we have to apologize to the American people for failing to build a system that could have protected them from the unspeakable nightmare of missiles turning American cities into nuclear flames.

Madam Chair, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Madam Chair, I thank the gentleman for his leadership.

Madam Chair, I rise in opposition to the majority's proposal to cut $764 million from missile defense just as a genocidal Iran kicks into high gear its missile buildup and sprints toward the nuclear finish line. The incongruity of this proposal is perplexing. These proposed cuts don't make any sense.

Iran has made its intentions clear: the liquidation of the state of Israel and the United States of America. Add to the mix Iran's historic cooperation with terror groups and we have the perfect storm on our hands.

Iran, before long, will have the missiles to reach all of Europe and the United States. We must do all we can to ensure that we cannot be hit or held hostage. We must invest in a robust, layered missile defense that can defend America and her allies against immediate, near-term, and long-term threats posed by Iran and other rogue regimes.

Madam Chair, amid the dangers, how can we decrease our investment in missile defense? Gambling our national security on the illusion that our enemies won't have the resources, technology and wherewithal to launch that first missile into an American school, shopping mall or sports arena is a risk that we should not take. Failing to prepare for this reality could lead to catastrophe, the consequences unfathomable.

I support the gentleman from Arizona's amendment.

Mr. FRANKS of Arizona. Madam Chair, could I inquire as to the remaining time?

The Acting CHAIRMAN. The gentleman from Arizona (Mr. FRANKS) has 5½ minutes remaining.

Mr. FRANKS of Arizona. Madam Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. PUTNAM).

(Mr. PUTNAM asked and was given permission to revise and extend his remarks.)

Mr. PUTNAM. Madam Chairman, I thank the gentleman from Arizona for his leadership.

I was struck by something that the subcommittee chairman said during the debate on the last amendment regarding missile defense, which is the concession that the threat from attacks by missile is real. I would submit that it is real, it is significant, and it is growing; and the notion that we would scale back this Nation's preparedness from rogue nations such as North Korea and Iran and the ever-mounting potential threat coming from China, all three of whom have tested ballistic missiles in the last year, is folly, it is reckless, and it puts U.S. interests and U.S. allies gravely at risk.

It is inarguable that the risk from a missile attack is not greater today than it has ever been from the most dangerous and least reliable sources, those who are willing to trade in the terrorist black market of technology and weapons of mass destruction, those who have declared Israel's need to be wiped off the face of the Earth and those who have declared death to America.

We cannot lose sight of this important, over-the-horizon danger by cutting back on funds, researching and developing an adequate missile defense for our country and our allies.

Madam Chairman, I submit to you that there is a vital difference between the direction that the majority and the minority would take U.S. defense policy in this environment. We cannot cut back on our missile defenses in this country and in this environment.

Mr. FRANKS of Arizona. Madam Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 10 minutes.

Mrs. TAUSCHER. Madam Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the chairman of the committee.

Mr. SKELTON. Madam Chairman, I thank the gentlewoman.

I rise in opposition to this. A similar amendment was offered in committee and was defeated by a 34–24 vote. With the cuts that were correct, well thought out, on the committee level, our bill still authorizes $9.5 billion for missile defense programs.

This committee's reallocation is just over 8 percent of the Missile Defense Agency's budget or $764 million to such programs as are necessary.

For too long, the missile defense program's been focused on developing futuristic technologies rather than near-term capabilities. Our bill fully funds, or actually increases, funding for key near-term missile defense systems, and for this reason, I do oppose this amendment.

Mrs. TAUSCHER. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, I rise in opposition to this amendment, specifically because of some of the language that my colleagues have been using.

What I find to be absolutely amazing is my colleagues on this side of the aisle who, for the last 6 years, have operated under a theory that there's never been too much money for missile defense without any accountability and without any reasonable sense that they had to have tests and that they had to produce for the American people. So it's not surprising to me that my colleagues rise and try to add back the money, the 8 cents on the dollar that my subcommittee, in a bipartisan way, trimmed from this program, as we did what the Republican bill last year suggested, that we redirect the focus of missile defense to near-term capabilities for the warfighter, for the American people and for our allies.

Now, the never-too-much money for MDA crowd will try to gin up all kinds of threats, and I will say it again. We here on this side of the aisle are not confused about the threats. We believe these are real threats, and that is why we have diligently restructured the MDA budget to deal with the near-term threats so that we can actually protect the warfighter, the American people and make sure that we have these capabilities now for current threats.

So the idea that we are doing massive cuts and that this is irresponsible probably makes sense to people that think that there's no such thing as not enough money for MDA, but from my point of view and for my constituents, I believe they need accountability, they need a testing regime operated by somebody other than themselves, and we need to have the modest cuts in this budget and need to oppose this amendment.

Madam Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Madam Chairman, I thank the gentlewoman for yielding.

If you listen to our friends on the other side of the aisle talk about ballistic missile defense, you'd never know that we have spent in today's money at least $125 billion since the days of Spartan and Sprint in the 1970s. This bill continues spending, continues that trend at a very robust level.

Sure, it does provide for cuts of $764 million, but it leaves in the bill $9.5 billion, and I would challenge the gentleman to find any other system in this bill which is funded at a level more robust than $9.5 billion. I don't think he will find it.

This bill provides, with the $9.5 billion, for the Patriot system, a PAC–3 system, a theater system, a tactical system, vitally important, provides $1.4 billion. That's $500 million more than the current year. It will buy Patriot PAC–3s for two additional battalions.

Aegis BMD, the Aegis cruiser, the adoption of the Aegis BMD by the Aegis cruiser, $1.1 million. That's an increase of $78 million over the current year over the budget request.

The ground-based midcourse interceptor, which shows the most near-term promise for becoming a truly ballistic missile defense intercept system,

$2.3 billion for the GMD. It will buy 10 GMD interceptors to be placed either at Ft. Greeley, Vandenberg or maybe in Europe.

The THAAD is finally achieving its promise. It's our best tactical theater system. The THAAD is funded at $858.2 million. That's enough to buy two additional THAAD firing units.

The kinetic energy interceptor, our boost phase system, is funded at $177 million. It's in its earliest phases, but it looks like the most promising technology for boost-phase intercept.

Multiple kill vehicles, yet they're cut by $42 million, but that leaves $223 million for a new technology.

Space tracking and surveillance, they're cut, cut by $75 million, but that's because we are going to launch two satellites and then see what they can do. And if they do what they're supposed to do, if they meet their specifications, we will launch about seven more, but we're not going to buy and launch those seven more until we know what the two demonstrate what they can achieve.

□ 2115

That's a sensible cut, as are all of these cuts. They are very discriminating cuts. The airborne laser is a good example. This system has been cut by $250 million to $300 million. That's enough money to maintain the system as a technology demonstrator, which is the likely course that this system is going to run anyway.

It has missed numerous milestones for development purposes. They are not throwing the system away. They are going to convert it from something that's likely to be put in the force in the near term to something that we can extract the technology from and then decide whether we want to go further with it.

But you have to ask yourself if this system, which is missing its milestones and looks like it cannot attain the promises that were initially made for it, is costing $500 million a year, shouldn't we consider some small cut in it in order to place the money elsewhere?

These are discriminating cuts. They leave the program robustly funded. This amendment should be defeated.

Mrs. TAUSCHER. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Madam Chairman, I rise in opposition to the amendment.

My friend from Florida a few minutes ago talked about a threat over the horizon. He is right, it is a threat, and it's over the horizon. This bill takes, to deal with that threat, for every $100 the President asks for, we give them $91.50 to deal with that threat.

We allocate that money in this way. We say for the technologies that are robust and mature and working, let's do more of it to protect us better and sooner. But for the technologies that are untested, let's test them and see if they work.

Now, what do we do with the $8.50 per $100 that we do not put into these untested technologies? We find what the 9/11 Commission has called the grave immediate threat to the country. A grapefruit-sized quantity of loose nuclear material, if made into a bomb by a terrorist group, could create a Hiroshima-type explosion in Times Square in New York City, or at the Washington Mall here in this city.

The administration is on a path to convert reactors that have that loose nuclear material in the former Soviet Union to get them all done in the next 14 years. We don't think that's good enough. So we take the money and speed it up so those reactors will be converted and shut down sooner. That threat is not over the horizon. It is here today.

That is where we should be spending our money, and that is why this amendment should be defeated.

Mrs. TAUSCHER. Madam Chairman, I reserve the balance of my time.

Mr. FRANKS of Arizona. Madam Chairman, I yield 1 minute to the distinguished ranking member of the Armed Services Committee, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding.

Madam Chairman, let me just make this clear. This is a net cut in missile defense. This is not a matter of taking money from something that we don't need and moving it to something we urgently need. This is a net cut of $764 million.

Now, my great friend from North Carolina (Mr. SPRATT) made the point we spent well over $100 billion on missile defense since Ronald Reagan reminded us that we live in the age of missiles. On the other hand, the strike on 9/11 probably cost us, in terms of economic destruction, $500 billion plus.

We can't afford not to have robust missile defense. That means you take down incoming missiles at all phases, in boost phase, in midcourse, and, lastly, in terminal phase. We need robust missile defense. We need to defend this country. We need to restore this money, and the Franks amendment is right on target.

Mrs. TAUSCHER. Madam Chairman, I yield myself the balance of my time.

Madam Chairman, as I said earlier, I rise in opposition to this amendment because we, I believe, have cuts in this bill that not only preserve the ability to have robust investments in missile defense, but, for the first time, create accountability for the Missile Defense Agency to deliver in the near term the kinds of capabilities necessary to protect our warfighters in the near term for real threats they face today, the American people, for real threats they face today and our allies and access abroad.

That is what we decided to do last year in the defense bill. That is our most important priority. These are minor cuts that redirect our agency to do what they never did under our colleagues when they were in the majority, which is to have operational testing that is real, that has countermeasures, that deals with the real kinds of circumstances that we would face if we were attacked. There is great doubt out there about the capabilities of this system because it has never been held to the rigor and the robust testing necessary to make it a credible deterrent.

We believe these cuts are marginal cuts. We plus up many things in this bill to make sure that we deliver in the near term to the warfighter the capabilities they need, and I urge my colleagues to oppose this amendment.

Madam Chairman, I yield back the balance of my time.

Mr. FRANKS of Arizona. Madam Chairman, might I inquire as to the remainder of the time?

The Acting CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. FRANKS of Arizona. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Madam Chairman, I serve as the ranking member on the Subcommittee on Terrorism, Nonproliferation, and Trade. What this underlying bill cuts is the funding for European missile defense that would be situated in Poland, which would catch an attack from Iran in the boost phase.

Now, the reason this is important, why are we worried about Iran in this, the IAEA inspectors, if you recall, this last weekend were shocked to find that Iran had made very fast progress on enrichment of uranium needed to make a nuclear bomb. They said this made it clear that technological advances in Iran are coming on very, very fast.

The proposed missile defense deployments in Poland and the Czech Republic that this amendment supports would thus help the United States and Europe. It's supported by Poland, the Czech Republic, the U.K., and frankly to cut it right now makes no sense.

Sixteen of the last 17 tests have been successful. This Congress, again, should not weaken our missile defense, especially at a time when we found North Korea transferring this missile technology to Iran. We can see this coming. Pass this amendment.

Mr. FRANKS of Arizona. Madam Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Madam Chairman, I rise in support of this amendment for two very important reasons. First, there is a growing threat. Today's Herald Tribune, a newspaper owned by The New York Times, says that North Korea is developing new, long-range missiles capable of hitting Guam, an article from the Herald Tribune.

The second set of reasons that I support this amendment is that while there is a growing threat there is a rapidly emerging U.S. missile defense system. Since 2001, our successes have

been many. We have conducted 27 successful hit-to-kill intercepts. That's 27 out of 36 attempts.

Therefore, let me just highlight some of the most recent successes. On September 1, 2006, we successfully employed an operational ground-based midcourse defense interceptor.

In November of 2005, June 2006 and, again, in April of 2007, less than a month ago, we successfully deployed an SM–3 interceptor, both separating and unitary targets.

In July 2006, January 2007 and April 2007, the Terminal High Altitude Area Defense, THAAD, System successfully intercepted unitary targets.

Finally, during the past March, we saw successful in-flight tests of the Airborne Laser Targeting System used for boost-phase intercept. Each of the near-term capabilities of PATRIOT, Aegis BMD, and GMD are only successful today because we provided them funding to test and develop them.

Cutting the Missile Defense Agency by $764 million will have the exact opposite effect. Therefore, knowing that our warfighters are asking for additional missile defense capabilities as soon as possible and that we have a missile defense system that actually works, Congress should not reduce defense spending on missile defense in light of the growing and clearly demonstrated threat by our adversaries.

Mr. FRANKS of Arizona. I urge my colleagues for this and future generations' sake to pass this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Madam Chair, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 31 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. It is now in order to consider amendment No. 31 printed in House Report 110–151.

Mr. SESSIONS. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Mr. SESSIONS:

In section 222, add at the end the following:

(e) CLARIFICATION.—Subsection (a)(2) does not prohibit the use of such funds to place developmental missile defense systems on operational alert to respond to an immediate threat posed by ballistic missiles.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Madam Chairman, between November 2006 and January 2007, Iran tested its long-range ballistic missile capacities twice.

In July 2006, North Korea also tested a number of its ballistic missiles, including one that has a range of 9,000 miles and could hit parts of the United States of America.

In response to North Korea's test, the United States' Northern Command made nearly a dozen of our anti-ballistic missiles operational, or ready to use, to defend the United States against an imminent danger posed by ballistic missiles.

North Korea's long-range missiles were detected by United States satellites within seconds, and, thankfully, the missile failed after 42 seconds and after only several hundred miles of flight but North Korea and many of our strategic rivals and enemies continue to develop their missile capacities.

Now, it is the time for America's adversaries to understand that America must not have an unwillingness to put its missile defense system on operational alert in the face of imminent threat.

Section 222 of this legislation that we are debating tonight would prevent the missile defense funds authorized by this legislation from being used for operational and support activities.

Specifically, the language in this bill states that the funds provided only be used for the research, development, test and evaluation of our Nation's missile defense system, and it specifically prevents these funds from being used for operational and support activities.

My amendment would clarify that nothing in this legislation would prevent the United States of America from placing our missile defense system on operational alert to respond to an immediate threat to our security posed by enemy ballistic missiles.

If this bill is adopted without my amendment, it would mean that we are telling countries like North Korea that they can take a free shot at the United States of America because we would be unwilling to stand up our current missile defense capacities, exactly the wrong message to send to our enemies.

This makes no strategic sense, and the position of every Member of this body also should be on record saying that. If you want to tie the President's hands in defeating and defending America from ballistic missiles and declare to our enemies our lack of will to defend ourselves against ballistic missile attack, you should oppose this amendment.

But if you believe that Congress should make clear that this legislation should not and would not prevent our defenses from being placed on operational alert to respond to an immediate threat posed by ballistic missiles, you must support this amendment.

I encourage all of my colleagues to provide our military with the clearly stated flexibility that they need to defend our country.

Madam Chairman, I reserve the balance of my time.

Mrs. TAUSCHER. Madam Chairman, I claim the time in opposition, although I don't oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Mrs. TAUSCHER. Madam Chairman, let's just be clear. There is nothing in the bill that says that MDA cannot put the system on operational alert using RDT&E funds. They are not prohibited from doing it. In fact, they have done it in the past.

What section 222 does say that if you are going to operate it, you should use operating and maintenance funds. That's all it says.

□ 2130

So we have no objection to the gentleman's amendment, because in fact there is nothing in the bill that prohibits the system from being flicked on, and there is nothing about what we say that is contrary to what the gentleman is asserting. However, we do believe that it is important that when you are operating a system, you should use operation and maintenance funds.

Mr. HUNTER. Will the gentlelady yield?

Mrs. TAUSCHER. I am happy to yield to the ranking member.

Mr. HUNTER. I thank the gentlelady for yielding and I appreciate her courtesy. And let me just say why I think you may want to consider supporting this amendment.

We had a discussion and we had some confusion a couple years ago with respect to missile defense, the systems that we were placing in Fort Greely, Alaska. The question was whether money that was R&D money could be used for construction, basically for pouring concrete, and we had a tremendous tug-of-war over that. So there is some ambiguity here.

We have got 14 missiles that could be used to intercept a couple of rogue incoming missiles even out of the test bed. So we could use these test missiles to protect our country in extreme circumstances.

I don't think it is a bad thing to clearly lay that out and clarify it in light of the fact that we did have confusion over the color of money in the missile defense programs between R&D and MILCON.

So would the gentlelady consider that in supporting the gentleman's amendment?

Mrs. TAUSCHER. Reclaiming my time, I said that very easily I would be happy to accept the amendment.

Frankly, we have had a markup in the subcommittee and a markup in the full committee over the last 3 weeks, and any time, if the gentleman had come to me and said that he needed clarification for what these funds could be used for, I would have been happy to clarify for him. And I hope he now feels it has been clarified.

It has always been operationally possible for the RDT&E money to be used for operational alerts. That is what they have been used for before.

So I am happy to accept the gentleman's amendment.

Madam Chair, I reserve the balance of my time.

Mr. SESSIONS. Madam Chair, I appreciate the gentlewoman from California, and the gentleman from California also, speaking about this very important issue. And I do appreciate the gentlewoman accepting this amendment.

Madam Chair, I yield back the balance of my time with the knowledge that will be done.

Mrs. TAUSCHER. Madam Chairman, I am happy to take the amendment. And any time that the gentleman wants to work together on these issues, we are happy to do it.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

AMENDMENT NO. 41 OFFERED BY MR. KING OF IOWA

The Acting CHAIRMAN. It is now in order to consider amendment No. 41 printed in House Report 110–151.

Mr. KING of Iowa. Madam Chair, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. KING of Iowa:

In section 1222 of the bill, strike ''Section 1519'' and insert ''(a) CONTINUATION OF PROHIBITION.—Section 1519''.

In section 1222 of the bill, add at the end the following new subsection:

(b) RULE OF CONSTRUCTION.—Congress recognizes that the United States has not established any permanent military installations inside or outside the United States. Nothing in this Act or any other provision of law shall be construed to prevent the Government of the United States from establishing temporary military installations or bases by entering into a basing rights agreement between the United States and Iraq.

The Acting CHAIRMAN. Pursuant to Resolution 403, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Madam Chair, I am offering this amendment to add language to section 1222 of the bill. This language will clarify that the prohibition on establishing permanent military bases in Iraq will not prevent the United States and Iraq from entering into military basing rights agreements for the establishment of temporary bases in Iraq.

After I offered a similar amendment in the fiscal year 2007 Defense appropriations bill in the last Congress, I wrote a letter to Chairman Pace, Chairman of the Joint Chiefs of Staff; and in that letter, I asked General Pace for his thoughts on the need for the U.S. to enter into and retain the ability to enter into military basing rights agreements in Iraq and with Iraq. In his response, General Pace stated that it is the intention of the United States military to ''work closely with Iraq's sovereign government to decide the terms and what foreign military forces and bases (if any) will remain in Iraq.''

As this statement makes clear, we must ensure that the United States has the ability to work with the sovereign Government of Iraq to determine the kind of military support that will be necessary to ensure the stability and security of Iraq. My amendment will reaffirm that the United States' ability to exercise an important diplomatic responsibility in dealing with a new ally in the global war on terror. That ally is the Government of Iraq.

Historically, basing rights agreements have been a necessary part of diplomatic relations with foreign governments. These agreements outline guidelines and conditions for operating American military bases worldwide. It is both common and responsible for the United States to enter into basing rights agreements with countries hosting American troops. This is being done in every country hosting U.S. troops. The representative Government of Iraq should be no exception. In this way, my amendment ensures Iraq's sovereignty will be respected.

My amendment will simply highlight the fact that the prohibition on the establishment of permanent bases does not prohibit the United States from entering into a sensible diplomatic dialogue regarding the establishment of temporary military installations in Iraq. So, not to enter into these agreements would be to neglect the United States' diplomatic duties, and our security duties as well, with our partners.

One of the things that has poisoned this debate has been the use of the term ''permanent base.'' It is no secret that this is a loaded term. However, the BRAC process has clearly demonstrated that there is no such thing as a permanent U.S. military base. As a reflection of this, military basing rights agreements can be negotiated for any length of time and can be renegotiated at any point in time.

I am not proposing the terms and conditions for these discussions or agreements, nor am I proposing the installation of permanent bases in Iraq with this amendment. I am not interfering or engaging in that, I am simply clarifying the intent of Congress and the hope and the policy that the Pentagon has advocated through General Pace's letter. I am simply asking that we ensure the United States be allowed to pursue our historic necessary avenue of responsible foreign relations.

CHAIRMAN OF
THE JOINT CHIEFS OF STAFF,
Washington, DC, August 16, 2006.

Hon. STEVE KING,
House of Representatives,
Washington, DC.

DEAR MR. KING: Thank you for your letter concerning long-term basing in Iraq. U.S. military personnel in Iraq are part of the multinational force helping the Iraqi people develop and strengthen their own political, economic, and security institutions. We are working with the new Iraqi government to establish a future security relationship that is consistent with our regional strategy and national interests. We will also work closely with Iraq's sovereign government to decide the terms and what foreign military forces and bases (if any) will remain in Iraq.

Currently, Multi-National Force-Iraq (MNF–I) is efficiently consolidating the basing footprint in Iraq to progressively reduce basing requirements to only those necessary to support Coalition operations. MNF–I uses a ''conditions-based'' process to synchronize basing requirements. MNF–I seeks to minimize our presence in Iraq, including Coalition partners, provincial reconstruction teams, transition teams, Department of State activities, and other supporting units and entities. This process will culminate with a transition to an operational and strategic overwatch posture, leveraging and maximizing support from a minimum number of strategically located forward operating bases and convoy support centers.

Foreign military presence irritates some segments of the population and motivates portions to support the insurgents. However, some segments of the population are thankful for our presence and do not desire our withdrawal until the security situation has improved. Further, our interactions with Iraqis and others build understanding and trust and reduce the myths our adversaries are propagating. It is a difficult balance and one that must be adjusted frequently. Our discussions and decisions with regard to Iraq and the War on Terrorism will balance our security needs, the needs of Iraq, and of our allies while remaining attuned to the cultural sensitivities of the people in the region.

Your continued support of the men and women of our Armed Forces is appreciated.

Very respectfully,

PETER PACE,
General, U.S. Marine Corps.

Mr. HUNTER. Would the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding, and I support his amendment.

As many of us on the Armed Services Committee have traveled to Iraq a number of times, and we utilize right now bases throughout Iraq, like the Balad Air Base, which was previously a fighter air base for Saddam Hussein's tactical aircraft, we use those bases, it makes absolute sense that we shouldn't somehow put Iraq in a different category than every other ally of the world which allows us to have a basing in their country. So designating that we may have temporary basing in Iraq is absolutely normal relations with Iraq, something that we have with dozens and dozens of other nations; and that will allow us in times of exigency to be able to use runways for resupply, for tactical air operations, for other

operations that extend important American foreign policy in that region of the world.

And so I think the gentleman has a very commonsense amendment, and I would support it.

Mr. KING of Iowa. Reclaiming my time. I thank the gentleman from California, especially for his leadership on our national defense issues in a lot of ways. And I would just clarify the simplicity of this amendment.

It simply states that the United States has not established any permanent military installations inside or outside the United States. And nothing in this act that is before us or any other provision of law shall be construed to prevent the Government of the United States from establishing temporary military installations or bases.

That is the essence of this amendment. It is a clarifying amendment, because we had confusion last year and a misunderstanding last year that required a scramble to go to the Pentagon, to get a response from General Pace, to go to the conference committee, and to come back with language that was acceptable that secured the people of the United States and also protected our military that are out in the field protecting us. That is the essence of this amendment.

I reserve the balance of my time.

Mr. SKELTON. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes.

Mr. SKELTON. Some things are hard to understand. I think this is a very bad idea. By adopting this amendment, we are sending a message to the Iraqi people that we are there forever. We are sending a message to the American people we are going to be in Iraq forever. And what we are doing there is, at the end of the day, trying to create trust among the Iraqi people, and this is a major step backwards.

The President has not affirmed one way or the other on this, and I think we in Congress should strongly say that we are not there permanently, that we are there to bring stability, that we are there to encourage the representative government that is struggling along; but we are not there as a permanent resident either on a base or otherwise. And this is a message amendment that is to the Iraqi people and to the American people, and it is just a downright unclear and bad idea.

I yield 1 minute to my friend, the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank the chairman for yielding.

I oppose this amendment because I believe its provisions subvert the best hope for stabilizing Iraq and ending the Iraqi civil war. I believe that if the responsible Sunni and Shia leadership in that country believe that it will become their responsibility to reach a political settlement to the end of the civil war, they will do so. I believe they will never accept that responsibility if they believe that the presence of the United States is permanent and indefinite.

I think, as the base bill does, that making a statement that we do not wish to have permanent bases in Iraq supports this theory, and will bring about a greater probability of stabilization of Iraq and an end to the Iraqi civil war.

So I believe the amendment sends precisely the wrong message and I oppose it.

Mr. SKELTON. I yield 1 minute to my colleague and friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I very much thank the Chair of the Armed Services Committee.

I also rise in opposition to this amendment. The United States are liberators, we are not occupiers. And yet, our enemy is propagandizing to the people that they are trying to convert to their cause that we are there permanently to take their oil, to control their government, to control their actions. And if we pass this amendment, we are confirming what our enemy is trying to suggest in generating more support against the American cause.

As I say, we have always gone in to liberate, not to occupy. And to suggest, which is what this amendment would do if it passed, that we are there permanently, with permanent bases, is exactly the opposite of the message that we need to send. And our military commanders have made it clear, we will not achieve a military victory. If we are going to be victorious, it has to be a political victory. And this is a key aspect of that political victory. So I strongly urge defeat of this amendment.

Mr. SKELTON. Madam Chair, I reserve the balance of my time.

Mr. KING of Iowa. Madam Chair, I stand here and listen to this debate, and I am wondering what kind of message the Iraqi people are getting. I suspect they might have read this amendment. They might know that this amendment clearly says, and that is what is already in the record, that the United States has not established permanent military installations anywhere, and that nothing in this act or provision shall be construed to prevent us from establishing temporary military installations or bases in those agreements in the United States or Iraq or anywhere.

This amendment addresses temporary basing rights, not permanent basing rights. It is a clarification amendment, because we have had so much confusion and miscommunication. Now we have more confusion and miscommunication; and I would direct the attention, if I could, of the Members of this body back to the language that started this, which was the language that was amended out of the bill last year that says that none of the funds made available in this act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.

□ 2145

That reference prohibited any basing rights agreement, temporary and permanent. We had to go to the Pentagon to get support, which the administration is the voice of, in order to clarify this language last year, this amendment's clarifying language this year. It's a simple thing. It says we can enter into temporary basing rights agreements wherever it's prudent for us to do so, not permanent basing rights agreement in Iraq or anywhere else.

Madam Chair, I reserve the balance of my time.

Mr. SKELTON. I yield an additional 30 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I only want to ask the author of the amendment, because I'm not sure I heard him correctly. Did he suggest that he thinks that the Iraqis have read this amendment?

I'm not entirely sure you would agree that all of our colleagues have read this amendment. But do you really think the Iraqis have read this amendment?

Mr. KING of Iowa. If the gentleman would yield.

Mr. MORAN of Virginia. Yes, I yield to the gentleman from Iowa.

Mr. KING of Iowa. I suspect the Iraqis will read this amendment if it becomes law. I suspect that my critics haven't all read this amendment. I hope they have, because I don't think we really disagree on the policy.

Mr. MORAN of Virginia. Reclaiming my time. My only point is that this is so much about the message we send, and I think the message that we want permanent bases is the wrong message.

Mr. SKELTON. Madam Chairman, what this amendment says is this: Excuse me, Mr. And Mrs. Iraqi. Hey, we're here permanently. That's the message that this amendment sends. And I doubt if there are many households in Baghdad or Tikrit or anywhere else that will read this amendment. But they'll get the message, should this amendment pass. The message is, Mr. And Mrs. Iraqi, we're here forever.

We can't do that. I oppose this amendment.

Madam Chairman, I yield back my time.

Mr. KING of Iowa. Madam Chair, first I'd say that perhaps I'm here endeavoring on the impossible dream, and that would be if we could just simply use this great communication skill that we all have and use it to communicate, so that we could exchange ideas and be able to agree when we agree and disagree when we disagree on the fundamental philosophy that's there, not because we came to the floor to disagree, because we don't. We're not advocating here for permanent bases. And

there's nothing in the language of this amendment that advocates for permanent bases. This is a clarification that says we're not going to foreclose our responsibility to be able to negotiate temporary bases in Iraq or anywhere else. We've never had our United States military anywhere in the world where we didn't have some kind of temporary basing rights agreement. We have never had a permanent basing rights agreement anywhere. And we have closed many bases across Germany and Europe. We've done that. We'll do so, and we're doing so in Iraq. We've happened over a number of different bases. The last number I heard was 33. It's probably many more than that into the hands of the Iraqis for their control. And so the message that needs to come from here, if we're concerned about the message that we're sending, we should stand up and say we agree. We don't intend to stay in Iraq permanently. We do agree that it'll require some temporary bases for us to carry out our operations there to protect our American troops that are there with the coalition and the Iraqi people. It's a prudent and a wise thing to do. Having a misunderstanding and a misconception is not a good thing to do. I think we agree on the policy. We should come together on the message.

Support this amendment, Madam Chair. And if we do that that will better, I believe, for the people in this country, for our military, for the Iraqi people. And as this unfolds, where the surge tactics are, they'll have the confidence that we stand with our military here in a prudent approach.

Madam Chair, I'd urge support for my amendment, and yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Madam Chair, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. MORAN OF VIRGINIA

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110–151.

Mr. MORAN of Virginia. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. MORAN of Virginia:

At the end of subtitle E of title X, insert the following new section:

SEC. 1055. A REPORT ON TRANSFERRING INDIVIDUALS DETAINED AT NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that contains a plan for the transfer of each individual presently detained at Naval Station, Guantanamo Bay, Cuba, under the control of the Joint Task Force Guantanamo, who is or has ever been classified as an ''enemy combatant'' (referred to in this section as a ''detainee'').

(b) CONTENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) An identification of the number of detainees who, as of December 31, 2007, the Department estimates—

(A) will have been charged with one or more crimes and may, therefore, be tried before a military commission;

(B) will be subject of an order calling for the release or transfer of the detainee from the Guantanamo Bay facility; or

(C) will not have been charged with any crimes and will not be subject to an order calling for the release or transfer of the detainee from the Guantanamo Bay facility, but whom the Department wishes to continue to detain.

(2) A description of the actions required to be undertaken, by the Secretary of Defense, possibly the heads of other Federal agencies, and Congress, to ensure that detainees who are subject to an order calling for their release or transfer from the Guantanamo Bay facility have, in fact, been released.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Virginia (Mr. MORAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. MORAN of Virginia. Madam Chairman, I first want to thank the chairman of the Armed Services Committee and his superb staff for helping redraft portions of this language so that it might be considered. The final language represents a common-sense agreement that I think we should all reach consensus on.

The amendment's purpose is to shed some light on what has become an increasingly invisible world down at Guantanamo Bay.

The first detainees were brought to Guantanamo in 2002 to bypass the U.S. legal system and avoid international conventions and public scrutiny. Since that time the detainment facility has become a blight on American ideals and principles.

We have captured, tortured and interminably held men that we call enemy combatants, some of whom are guilty of crimes against our Nation and should be punished. Others, however, are only guilty of being in the wrong place at the wrong time.

We have created closed military tribunals that offer the false impression of justice, but they fall woefully short of what we should expect from our American system of justice.

Like Abu Ghraib, we've created an unnecessary rallying cry and recruitment tool for al Qaeda and militant Islamists throughout the world. I strongly believe that the continued operation of Guantanamo Bay puts Americans in harm's way and threatens the safety of any of our captured military and civilians abroad.

Defense Secretary Robert Gates and Secretary of State Rice have agreed that Guantanamo Bay represents a serious problem if we are to prevail in the global war on terror. They both advocated shuttering Guantanamo Bay's detention facilities. Even President Bush expressed a desire to see Guantanamo Bay closed.

This amendment offers a first step in giving the President, the Congress and the Department of Defense policy alternatives to Guantanamo Bay. This amendment will require the Department to develop a plan to transfer detainees from Guantanamo Bay.

The report must estimate how many detainees the Department will charge with a crime, how many will be subject to release or transfer, or how many will be held without being charged with a crime, but whom the Department feels that it must detain.

Lastly, the report would include a description of actions required by the Secretary and Congress to ensure that detainees who are scheduled for release are, in fact, released.

This last piece is particularly important, as the Department of Defense has scheduled release of 82 detainees. DOD and the State Department, however, face obstacles releasing these men to their home countries, and in some instances their home nations won't accept their return. In other instances, the State Department won't return detainees to their home nations for appropriate reasons. But we need to know what policy tools Congress can provide to expedite the release of innocent detainees.

All of this information is absolutely necessary for Congress and the administration to make informed decisions about what to do about Guantanamo Bay.

Whether you like it or not, whether you believe that Guantanamo Bay is a blight on our international standing, or whether or not you believe that these detainees should be held and tried in the United States, we should all agree that the policy options before the President and Congress should not be limited by a lack of information.

To opponents of shutting down Guantanamo Bay and my colleagues who believe its closure is a sign of weakness, I suggest that upholding our American principles of justice are not incongruent with our war against terror.

And in a speech before the Republican National Convention in 1992, I would remind my colleagues President Reagan emphasized that our greatest strength as a Nation comes not from our wealth or our power, but from our ideals.

I ask all of my colleagues on both sides of the aisle to support this common-sense amendment, to move forward in our battle against anti-American sentiment, and to provide the President and Congress with real policy options for shutting down Guantanamo Bay.

Mr. SKELTON. Will the gentleman yield?

Mr. MORAN of Virginia. Yes, I'd be happy to yield.

Mr. SKELTON. I think that the gentleman should be commended and complimented on working with us to finally get the language that was the real intent of the amendment, and that what it does is requires a report to Congress on specific items. It does not specify detainees to be transferred or any change such as that.

So seeking information, I think, is basic to what we do as a country and what we do as a Congress. And I thank the gentleman very much for working with us to clarify this amendment, and appreciate you yielding.

Mr. MORAN of Virginia. I thank the chairman. I will reiterate the comments I made at the beginning. I thank very much the chairman's leadership and his superb staff for bringing us to this point. And as you say, this is only a matter of acquiring information.

Mr. HUNTER. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. HUNTER. My colleagues, I have a lot of respect for my friend from Virginia, but this amendment is a bad amendment. It's an amendment which goes to the very core of the Guantanamo facility, the purpose of the Guantanamo facility, the nature of the people who are imprisoned in the Guantanamo facility, and the ongoing war against terrorism.

Now, I'm reading my friend's amendment, and it directs DOD to undertake a plan for the transfer of each individual presently imprisoned at Guantanamo.

Ladies and gentlemen, the people who are imprisoned in Guantanamo are largely terrorists. They include people like Khalid Sheikh Mohammed, who has admitted in court that he planned the attack on 9/11 that destroyed thousands of American lives.

It includes people like Abu Zubaydah, who helped smuggle now deceased al Qaeda leader al-Zarqawi and some 70 Arab fighters out of Kandahar, Afghanistan into Iran, who also tried to organize a terrorist attack in Israel, who was recruited by Osama Bin Laden.

It includes Ahmed Galeni, who worked for al Qaeda's chief of external operations and forged or altered passports for many al Qaeda members, who knew and met many of the operatives involved in the attacks, including Fahid Masala, who was asked to help the group purchase TNT for trucks and gas cylinders that would later be used to construct a car bomb, requests which he fulfilled.

Ladies and gentlemen, these are people who understand how to kill large numbers of people. The last thing you want to do is to take people from an extremely secure facility that has been designed to ensure that they don't escape, that they're not able to spread their understanding of car bombs and other destructive devices to other terrorists or prisoners.

Now, the gentleman's initial amendment that was filed on this went a bit further. It talked about moving the detainees to places in the United States. And if you think it through, that's where we would probably have to transfer them. If it orders DOD to put together a transfer plan, the logical recipients of that transfer plan will be bases and facilities in the United States.

Now, that means that unless you isolate these terrorists, these people that know how to make car bombs, you're going to put them in facilities in the U.S. with American criminals, and they are presumably going to teach these people how to make things like car bombs and other destructive devices. In this case, you have to keep them isolated.

And I would say to my colleague, you know, we have had, under the tribunals that we have put together to determine whether people are just farmers in the field or whether they really were terrorist combatants, we've released a number of people who have gone back to Afghanistan and gone back to their home countries. A few of them have actually shown up on battlefields around the world fighting us again, which shows that our standard for releasing them has in some cases been too liberal, not too conservative.

□ 2200

But the idea of taking people who know how to kill large numbers of people with destructive devices and moving them, spreading them around to other institutions where they may give that knowledge to other people, other criminals who have hurt Americans, who might be inclined to hurt more Americans, is not a good idea. We need to keep them isolated.

And I would say to my colleague I have been down to Guantanamo. I am sure he has also. We feed those people well. They have a better medical system than most HMO systems in America. Not one person has been murdered in Guantanamo. And none of us can say about our State prisons nobody has ever been murdered in our State prison. Every single Member of this body has State prisons in their districts or their State in which more murders have taken place than in Guantanamo. Nobody is making a suggestion that we close our State prisons because they have a bad reputation nationally or internationally.

So I would respectfully urge a very strong ''no'' vote on this amendment. I think it is a bad amendment. I respect the author, but I think it takes us in the wrong direction.

Let's keep these people collected. Let's keep them isolated. Let's keep the rest of the world safe.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I would be happy to yield to the gentleman.

Mr. MORAN of Virginia. Mr. Chairman, I thank my good friend for yielding.

First of all, I agree with you the people you described, Khalid Shaikh Mohammed and the like, appear to be very dangerous people. These people, however, who were just transferred to Guantanamo, I think when Secretary Gates and the President spoke about Guantanamo, they were referring to the 772 that had been there over the period of 4 years now, rather than new arrivals.

But the point is, this is only a report; this does not mandate any action. It just presents information to the Congress. If the Congress was to transfer it, what would be the implication? So it is only a report, I would again remind the gentleman.

The Acting CHAIRMAN (Mr. ALTMIRE). The question is on the amendment offered by the gentleman from Virginia (Mr. MORAN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

AMENDMENT NO. 32 OFFERED BY MR. HOLT

The Acting CHAIRMAN. It is now in order to consider amendment No. 32 printed in House Report 110–151.

Mr. HOLT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. HOLT:

At the end of subtitle E of title X, add the following new section:

SEC. 1055. REQUIREMENT FOR VIDEOTAPING RECORDINGS OF STRATEGIC INTERROGATIONS AND OTHER PERTINENT INTERACTIONS AMONG DETAINEES OR PRISONERS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE UNITED STATES AND MEMBERS OF THE ARMED FORCES, INTELLIGENCE OPERATIVES OF THE UNITED STATES, AND CONTRACTORS OF THE UNITED STATES.

(a) IN GENERAL.—In accordance with the Geneva Conventions of 1949, the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and prohibitions against any cruel, unusual, and inhuman treatment or punishment under the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States, the President shall take such actions as are necessary to ensure that any strategic interrogation or other pertinent interaction between an individual who is a detainee or prisoner in the custody or under the effective control of the Armed Forces pursuant to a strategic interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the Armed Forces, an intelligence operative of the United States, or a contractor of the United States, is videotaped.

(b) COMMENCEMENT OF REQUIREMENT.—The videotaping requirement under subsection (a) shall be applicable to any strategic interrogation of an individual that takes place on or after the earlier of—

(1) the day on which the individual is confined in a facility owned, operated or controlled, in whole or in part, by the United States, or any of its representatives, agencies, or agents; or

(2) 7 days after the day on which the individual is taken into custody by the United States or any of its representatives, agencies, or agents.

(c) CLASSIFICATION OF INFORMATION.—The President shall provide for the appropriate classification to protect United States national security and the privacy of detainees or prisoners held by the United States, of video tapes referred to in subsection (a). Videotapes shall be made available, under seal if appropriate, to both prosecution and defense to the extent they are material to any military or civilian criminal proceeding.

(d) STRATEGIC INTERROGATION DEFINED.—For purposes of this section, the term ''strategic interrogation'' means an interrogation of a detainee or prisoner at—

(1) a corps or theater-level detention facility, as defined in the Army Field Manual on Human Intelligence Collector Operations (FM 2-22.3, September 2006); or

(2) a detention facility outside of the area of operations (AOR) where the detainee or prisoner was initially captured, including—

(A) a detention facility owned, operated, borrowed, or leased by the United States Government; and

(B) a detention facility of a foreign government at which United States Government personnel, including contractors, are permitted to conduct interrogations by the foreign government in question.

(e) ACCESS TO PRISONERS AND DETAINEES OF THE UNITED STATES TO ENSURE INDEPENDENT MONITORING AND TRANSPARENT INVESTIGATIONS.—Consistent with the obligations of the United States under international law and related protocols to which the United States is a party, the President shall take such actions as are necessary to ensure that representatives of the following organizations are granted access to detainees or prisoners in the custody or under the effective control of the Armed Forces:

(1) The International Federation of the International Committee of the Red Cross and the Red Crescent.

(2) The United Nations High Commissioner for Human Rights.

(3) The United Nations Special Rapporteur on Torture.

(f) GUIDELINES FOR VIDEOTAPE RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Judge Advocates General (as defined in section 801(1) of title 10, United States Code, (Article 1 of the Uniform Code of Military Justice)) shall jointly develop uniform guidelines designed to ensure that the videotaping required under subsection (a) is sufficiently expansive to prevent any abuse of detainees and prisoners referred to in subsection (a) and violations of law binding on the United States, including treaties specified in subsection (a).

(2) SUBMITTAL TO CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the guidelines developed under paragraph (1).

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume.

Let me begin by thanking Chairman SKELTON for his consideration in support of this amendment.

Some time back I was asking U.S. servicemen about interrogation of some detainees. Suppose you and your translator are not familiar with the dialect of the detainees, I said, how would you make a tape available to a good linguist for review?

What tape, they said.

Later in other circumstances I learned about charges of mistreatment of detainees. But the only record of our treatment of detainees were the shameful recreational photos of Abu Ghraib. An official recording would have helped the situation, perhaps even have prevented the problems.

Hundreds of law enforcement organizations in all 50 States and the District of Columbia employ recording of interrogations and that is becoming the standard for interrogations around the United States. It improves the ability to get the best information, and it protects all parties involved, the interrogators and the detainees. I believe the lessons of those law enforcement organizations can be applied to our current detainee policies.

For years, police officers around the country resisted the idea of putting video cameras in their cars and interrogation rooms. Now those cameras, the dashboard camera, for example, is one of the cops' best friends. Today, such tools are widely used by law enforcement organizations around the country because of the protections and the investigative value they provide.

My amendment has three provisions: to require video recording of interrogations and other pertinent interactions between U.S. military personnel, or contractors, and detainees arrested and held. The video records would be kept at the appropriate level of classification and be available for review by intelligence personnel to help maximize the intelligence benefits of such interrogations. It would require the Judge Advocate General, pursuant to the Uniform Code of Military Justice, to develop guidelines designated to ensure that the video recording sufficiently prevents abuses of rights of detainees and prisoners.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HOLT. I would be happy to yield to the chairman.

Mr. SKELTON. Mr. Chairman, I support this amendment. This is just downright good law enforcement.

You must understand that so many jurisdictions, so many States have videotaping of interrogations for the very reasons that you stated, to make sure that their rights were preserved, to make sure that they said what was said to have been said, and there is a taping that cannot be refuted.

And you must remember that everyone is a potential defendant before a military commission. And what better evidence is there to present before a military commission, either for the defense or for the prosecution, than what was actually taped during interrogation? I think that we are just trying to catch up with other States that do this and require this. It is just good law enforcement.

And I thank the gentleman for yielding.

Mr. HOLT. Mr. Chairman, reclaiming my time, I thank the Chair for his comments.

Indeed, this is becoming the standard of interrogation. The video recording is inexpensive, easy to use, and it helps.

My amendment would also afford access to prisoners by the International Red Cross and Red Crescent, the U.N. High Commissioner for Human Rights, and the U.N. Special Rapporteur on Torture.

The electronic recording of interrogations is a concept that has been endorsed by multiple domestic and international organizations. In 1998, the Human Rights Committee of the United Nations strongly recommended that interrogation of suspects in police custody and substitute prison be strictly monitored and recorded by electronic means. In 2004, the American Bar Association urged all law enforcement agencies to videotape the entirety of custodial interrogations of crime suspects. Hundreds of DAs and prosecutors use these techniques.

Today, the ACLU noted in their endorsement letter of this amendment that it would increase the accountability for compliance with the McCain antitorture amendment. Human Rights First, Human Rights Watch expressed similar statements in their endorsement letters, and I will include in the RECORD these letters of endorsement from Human Rights First, Human Rights Watch, and the ACLU.

HUMAN RIGHTS FIRST,
New York, May 16, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR MEMBER OF CONGRESS: I write to express the support of Human Rights First for a proposed amendment to the FY2008 National Defense Authorization Act (H.R. 1585) introduced by Representative Rush Holt. The amendment would require the videotaping of interrogations and other pertinent interactions between detainees in the custody or under the effective control of the U.S. Armed Forces and relevant U.S. officials, consistent with a recommendation made by the Army Inspector General in July 2004. The amendment would also require that the International Committee of the Red Cross (ICRC), the U.N. High Commissioner for Human Rights, and the United Nations Special Rapporteur on Torture are provided access to detainees in U.S. custody.

These provisions are intended to ensure that the treatment of detainees in the custody of the United States Armed Forces is consistent with longstanding U.S. obligations under domestic and international law, including existing rules concerning ICRC access to prisoners. These commitments are contained in binding military regulations and field manuals and reflect the judgment that upholding the principle of providing access to captured prisoners is strongly in the interest of the U.S. military.

Because it advances both the interests of the United States and its values, we urge you

to support Representative Holt's amendment to the National Defense Authorization Act.

Sincerely,

ELISA MASSIMINO,
Washington Director.

HUMAN RIGHTS WATCH,
New York, May 16, 2007.

Hon. RUSH HOLT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HOLT: Human Rights Watch writes to express our strong support for your amendment to the Department of Defense Authorization Bill, to ensure independent monitoring of detainee treatment and to require videotaping interrogations of prisoners in the custody of the U.S. Armed Forces.

Revelations about the use of torture from Abu Ghraib and detention facilities in Iraq, Afghanistan, and other locations from around the world have undermined the United States' moral authority and its ability to defeat terrorism in Iraq, Afghanistan, and elsewhere. As General Petraeus, the commander of US forces in Iraq, recently wrote to all of the troops serving there: ''This fight depends on securing the population, which must understand that we—not our enemies—occupy the moral high ground.'' Torture and abuse do not produce reliable intelligence, warned the General, and they undercut one of the most effective weapons in the fight against terrorism—the support and cooperation of the local population.

Last September the Department of Defense issued a new Army Field Manual (2–22.3) on Human Intelligence Collector Operations, which rejects abusive interrogation and specifies a range of permitted interrogation techniques. Routine videotaping of interrogations can be one of the simplest and most effective means of ensuring compliance with these new rules and preventing abuse. When interrogators and guards know that their interactions with detainees are being recorded by their supervisors, they are more likely to play by the rules, and less likely to treat prisoners inhumanely. Videotaping also protects law-abiding interrogators and guards against unfair allegations of abuse. Moreover, your amendment ensures these videotapes can be classified to protect against the dissemination of information that could harm US national security.

Notably, the US Army Inspector General's July 21, 2004 report on Detainee Operations concluded: ''All facilitates conducting interrogations would benefit from routine use of video recording equipment.'' The Defense Department has failed to heed this recommendation, and it now falls to Congress to require it.

Allowing the International Committee of the Red Cross (ICRC), the United Nations High Commissioner for Human Rights, and the United National Special Rapporteur for Torture to visit detainees in Department of Defense custody—as your amendment would do—would show the world that the United States no longer has anything to hide in its detention facilities. It would also allow the United States to insist credibly that independent monitors such as the ICRC be given access to any of its soldiers or citizens when they are detained abroad. As you well know, ICRC access to captured US soldiers has saved lives and provided perhaps the only source of relief to loved ones worried about their missing relatives.

Videotaping interrogations and allowing independent monitoring of detainees in US custody are two critical steps for preventing abuse and ensuring that the actions of those who violate the law do not taint the reputation of America's armed forces at home and abroad.

Thank you for your leadership on this important issue.

Sincerely,

TOM MALINOWSKI,
Washington Advocacy Director,
JENNIFER DASKAL,
Advocacy Director, US Program.

ACLU,
Washington, DC, May 16, 2007,

Re The Holt Amendment to the Defense Department authorization bill will increase accountability for compliance with the McCain anti-torture amendment.

DEAR REPRESENTATIVE: The American Civil Liberties Union strongly urges you to support the amendment that Congressman Rush Holt will offer this afternoon during consideration of the Defense Department authorization bill. The bill would make two important—and extraordinarily practical—changes to Defense Department interrogation and detention practices. It would (i) require the videotaping of interrogations of DOD detainees and (ii) allow access to DOD detainees for top human rights offices. Both provisions would increase accountability for compliance with the McCain anti-torture amendment.

During consideration of the Defense Department authorization bill for Fiscal Year 2006, an overwhelming bipartisan majority of the House of Representatives voted to support the McCain anti-torture amendment. As passed by Congress and signed by President Bush, the McCain Amendment requires the Defense Department to comply with the Army Field Manual on Interrogations, and reinforces the long-standing ban on the use of torture or cruel, inhuman, and degrading treatment across the entire government. The McCain Amendment was an important step to returning the rule of law to the federal government's interrogation and detention policies.

The McCain Amendment, combined with an important Supreme Court case last spring and regulatory changes made by the Defense Department, has led to an improvement in the Defense Department's policies on interrogations. The Holt Amendment builds on these important developments by requiring an additional layer of accountability.

The Holt Amendment is important for two reasons:

First, it requires videotaping of all interrogations by DOD personnel and contractors. While these videotapes could be classified for the protection of national security or privacy, consistent use of videotaping will be a strong deterrent against abuse. It will provide an additional reason for interrogators to ensure that they remain in compliance with the McCain Amendment, including the Army Field Manual on Interrogations. Of course, videotaping will also have the additional benefit to Defense Department personnel of protecting against any false accusations of misconduct and it creates an improved record of intelligence for the government. This very practical provision benefits everyone during interrogations.

Second, the Holt Amendment requires access to all DOD detainees for the International Committee of the Red Cross, the U.N. High Commissioner for Human Rights, and the U.N. Special Rapporteur on Torture. This provision largely codifies current DOD policy on ICRC access, as modified after the Supreme Court decision on Guantanamo detainees last spring. The Defense Department policy now provides access to International Committee of the Red Cross personnel to DOD detainees. Providing access to the additional two human rights offices of the U.N. will help ensure additional accountability.

We strongly urge you to bolster accountability for compliance with the McCain anti-torture amendment, including the Army Field Manual on Interrogations by voting ''YES'' on the Holt Amendment today. Please do not hesitate to call us if you have any questions regarding this issue.

Sincerely,

CAROLINE FREDRICKSON,
Director.
CHRISTOPHER E. ANDERS,
Legislative Counsel.

Mr. Chairman, today the House has the opportunity both to strengthen existing safeguards and to improve our intelligence collection efforts during interrogations. I ask that my colleagues vote ''yes'' on this amendment to H.R. 1585.

Mr. Chairman, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. THORNBERRY. Mr. Chairman, I yield myself such time as I may consume.

Interrogations by military personnel are conducted under the Army Field Manual, which complies with the Detainee Treatment Act passed by this Congress. And, in essence, this amendment says, we don't trust our military to follow the law; as a matter of fact, we have to videotape them because, as a matter of law, we don't ever trust that they will comply with the law as set forth in the Army Field Manual.

And I would remind my colleagues that the military has chosen for its own reasons to use closed-circuit monitoring of interrogations at Guantanamo Bay, in part for the safety of the interrogators, but under this amendment that is not enough. Whether a military unit at Guantanamo or elsewhere chooses to use videotaping or closed-circuit monitoring is not enough under this amendment because we don't trust the military anywhere to conduct interrogations under the law pursuant to this amendment.

I would say, secondly, the military has told us that this amendment would materially interfere with DOD operations, and I heard clearly what the distinguished chairman of the committee and the gentleman from New Jersey said; they said, this is good police work. But I would remind them that our military are not policemen and that our military, in operations all over the world, facing very dangerous terrorists in all sorts of conditions, should have to comply with all of the same standards that a policeman in Missouri or New Jersey or elsewhere ought to have to comply with. This amendment forces upon them a legalistic, bureaucratic regulation on the very people we are counting on most to keep us safe from the most dangerous terrorists.

Mr. Chairman, I would also say that this amendment specifically says that the videotapes have to be given to the prosecution and defense in any civilian or military proceedings. Now, we have

already had trouble in this country in having sensitive information from interrogations that has been presented to the parties leak out and get back to people we don't want it to get to. But I would suggest that this amendment runs an unreasonable risk of having sensitive national security information get back to the very terrorist networks that we are fighting, and the military are going to be faced with a choice of either allowing that to happen or not conducting the interrogations at all, which means we don't get the information.

Everyone from George Tenet to the current leadership of our national security organizations say the most valuable information we have gotten since 9/11 to prevent terrorist attacks has come from detainee interrogations. This amendment makes it harder, if not impossible, to get that information. This amendment says we don't trust the troops to follow the law and it will interfere with military operations. I would suggest that it would be a mistake and increase the dangers to this country and should be rejected.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. THORNBERRY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

It is now in order to consider amendment No. 43 printed in House Report 110–151.

AMENDMENTS EN BLOC NO. 3 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer amendments en bloc.

The Acting CHAIRMAN. The Clerk will designate the amendments en bloc.

Amendments en bloc consisting of amendments numbered 4, 19, 28, 34, 35, 40 and 42 printed in House Report 110–151 offered by Mr. SKELTON:

AMENDMENT NO. 4 OFFERED BY MR. REYES

The text of the amendment is as follows:

At the end of subtitle C of title X, add the following new section:

SEC. 1022. EXPANSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES IN CERTAIN FOREIGN COUNTRIES.

Subsection (b) of section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as amended by section 1021 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136, 117 Stat. 1593) and section 1022 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended by adding at the end the following new paragraphs:

''(17) The Government of Mexico.

''(18) The Government of the Dominican Republic.''.

AMENDMENT NO. 19 OFFERED BY MR. SCOTT OF VIRGINIA

The text of the amendment is as follows:

Title II, add at the end the following:

SEC. 2___. MODELING, ANALYSIS, AND SIMULATION OF MILITARY AND NON-MILITARY OPERATIONS IN COMPLEX URBAN ENVIRONMENTS.

Congress finds the following:

(1) Modeling, Analysis, and Simulation Technology has become an essential component in ensuring that we meet the defense challenges of the 21st century. It allows us to build and develop models of complex systems, effectively sharpen the tools, procedures, and decisions needed to address difficult problems, and determine how certain actions will effect the end result before implementing the plan in real life, thereby providing strategic, tactical and financial benefits. Every effort should be made to include Modeling, Analysis and Simulation Technology in the training and planning doctrines of the Department of Defense.

(2) Current and future military operations, and emergency management of natural and man-made disasters, do and will continue to involve operations in highly complex, urban environments. These environments include complex geographical, communications, transportation, informational, social, political, and public support subsystems. The interdependence of these subsystems and the cascading effects of warfare or disasters imposed upon them should be modeled in a computer simulation environment. It is important for the security and safety of the Department of Defense to study and understand the effects of warfare and disasters on the resiliency of urban environments and to develop a computer modeling and simulation decision-making tool for emergency consequence management of military, natural and man-made disasters in complex urban environments.

AMENDMENT NO. 28 OFFERED BY MR. ALLEN

The text of the amendment is as follows:

At the end of title VII, add the following new section (and conform the table of contents accordingly):

SEC. 713. REPORT AND STUDY ON MULTIPLE VACCINATIONS OF MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the Department's policies for administering and evaluating the vaccination of members of the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the Department's policies governing the administration of multiple vaccinations in a 24-hour period, including the procedures providing for a full review of an individual's medical history prior to the administration of multiple vaccinations, and whether such policies and procedures differ for members of the Armed Forces on active duty and members of reserve components.

(2) An assessment of how the Department's policies on multiple vaccinations in a 24-hour period conform to current regulations of the Food and Drug Administration and research performed or being performed by the Centers for Disease Control, other non-military Federal agencies, and non-federal institutions on multiple vaccinations in a 24-hour period.

(3) An assessment of the Department's procedures for initiating investigations of deaths of members of the Armed Forces in which vaccinations may have played a role, including whether such investigations can be requested by family members of the deceased individuals.

(4) The number of deaths of members of the Armed Forces since January 1, 2000, that the Department has investigated for the potential role of vaccine administration, including both the number of deaths investigated that was alleged to have involved more than one vaccine administered in a given 24-hour period and the number of deaths investigated that was determined to have involved more than one vaccine administered in a given 24-hour period.

(5) An assessment of the procedures for providing the Adjutants General of the various States and territories with up-to-date information on the effectiveness and potential allergic reactions and side effects of vaccines required to be taken by National Guard members.

(6) An assessment of whether procedures are in place to provide that the Adjutants General of the various States and territories retain updated medical records of each National Guard member called up for active duty.

(c) STUDY REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a study, in consultation with the Food and Drug Administration and the Centers for Disease Control, examining the safety and efficacy of administering multiple vaccinations within a 24-hour period to members of the Armed Forces.

(2) DEADLINE.—The study required by paragraph (1) shall be completed not later than 270 days after the date of the enactment of this Act and shall be submitted to the Committees on Armed Services of the Senate and the House of Representatives.

AMENDMENT NO. 34 OFFERED BY MR. INSLEE

The text of the amendment is as follows:

At the end of title X, add the following new section (and conform the table of contents, accordingly):

SEC. 1055. STUDY AND REPORT ON USE OF POWER MANAGEMENT SOFTWARE.

(a) STUDY.—The Secretary of Defense shall conduct a study on the use of power management software by civilian and military personnel and facilities of the Department of Defense to reduce the use of electricity in computer monitors and personal computers. This study shall include recommendations for baseline electric power use, for ensuring robust monitoring and verification of power use requirements on a continuing basis, and for potential technological solutions or best practices for achieving these efficiency objectives.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report containing the results of the study under subsection (a), including a description of the recommendations developed under the study.

AMENDMENT NO. 35 OFFERED BY MR. TERRY

The text of the amendment is as follows:

Title II, subtitle C, add at the end the following:

SEC. 2___. INCREASED FUNDS FOR X LAB BATTLESPACE LABORATORY.

(a) INCREASE.—The amount in section 201(4), research, development, test, and evaluation, Defense-wide, is hereby increased by $10,000,000, to be available for the X Lab battlespace laboratory, program element 0603175C.

(b) OFFSET.—The amount in section 201(2), research, development, test, and evaluation,

Navy, is hereby reduced by $10,000,000, to be derived from Littoral Combat System Mission Modules.

AMENDMENT NO. 40 OFFERED BY MR. MATHESON

The text of the amendment is as follows:

At the end of title XXXIV, add the following new section:

SEC. 3402. REMEDIAL ACTION AT MOAB URANIUM MILLING SITE.

Section 3405(i) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 7420 note) by adding at the end the following new paragraph:

''(6) Not later than October 1, 2019, the Secretary of Energy shall complete remediation at the Moab site and removal of the tailings to the Crescent Junction site in Utah.''.

AMENDMENT NO. 42 OFFERED BY MR. MCCOTTER

The text of the amendment is as follows:

At the end of subtitle D of title X, insert the following new section:

SEC. 1034. REVIEW OF DEPARTMENT OF DEFENSE PROCEDURES TO CLASSIFY EXCESS DEFENSE ARTICLES AND DEFENSE SERVICES WITH MILITARY TECHNOLOGY COMPONENTS.

(a) REVIEW REQUIRED.—The Secretary of Defense, with the concurrence of the Secretary of State, shall conduct a thorough review of the procedures by which the Department of Defense classifies defense articles and defense services with military technology components as excess to the needs of the Department to identify the extent to which, and the manner in which, existing classification procedures have failed to prevent the transfer of defense articles and defense services with military technology components to terrorists, state sponsors of terrorism, and other unfriendly countries or groups.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to Congress a report that contains—

(1) the results of the review of the existing classification procedures conducted under subsection (a); and

(2) the measures to be implemented by the Department of Defense to rectify the deficiencies of the existing classification procedures, including recommendations for any legislative changes that may be necessary to implement the measures.

(c) DEFINITION.—As used in this section, the term ''defense articles and defense services with military technology components'' means those defense articles and defense services designated by the President pursuant to section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)), commonly known as the United States Munitions List.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to my friend the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, as part of this group of en bloc amendments, it includes an amendment I have offered. It has to do with the uranium tailings pile on the banks of the Colorado River in Moab, Utah.

Now, that may sound like an interesting issue to have in a Defense authorization bill. It is not the first time it has been in a Defense authorization bill. The last time we dealt with this was when Congress was in session in the year 2000, and at that time Congress directed the Department urging them to move this uranium tailings pile.

Make no mistake. This is right on the banks of a major river, and the environmental impact statement that looked at this pile indicated that it is a near certainty that at some point, if it is not moved, it is going to be flushed into the river. And there are 25 million users living downstream of this site.

Now, this mill tailings site was part of our military efforts in the 1950s and 1960s when it came to our nuclear weapons efforts, and quite frankly, while Congress has voiced in the past on this very bill 7 years ago that it should be moved, the Department of Energy has exhibited tremendous inaction. They have not provided information for why there has been a delay. They have completed a longstanding environmental impact statement that resulted in a record of a decision saying they wanted to move it. In that, they said it could be done in 7 to 10 years.

□ 2215

And yet, the Secretary of Energy said just this year it's not going to be until 2028 when this moves. This is an agency that has consistently underperformed, underpromised, has not answered questions about the progress of this project, and that's why I offer this amendment today, so that once again Congress can make its will known, as it has done in the past, in indicating that this pile ought to be moved.

I thank the chairman of the committee, Mr. SKELTON, for his cooperation on this issue.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I would like to yield as much time as he might like to Mr. MCCOTTER.

Mr. MCCOTTER. My amendment that I've offered is very simple and straightforward. It requests that the Secretary of Defense, in concurrence with the Secretary of State, issue to Congress a review of declassification procedures that are in place to guarantee that materiel does not fall into the hands of terrorists, does not fall into the hands of state sponsors of terrorists, does not fall into the hands of groups hostile to the United States, or any similar reprobates in general. By classification procedures I mean Defense Reutilization and Marketing Service procedures to classify something as excess and also as eligible for sale. We believe this should not engender any opposition. We have worked very well with the majority staff of both the committee in question, and the Foreign Affairs Committee.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield to the gentleman from Virginia (Mr. SCOTT) for a unanimous consent request.

(Mr. SCOTT of Virginia asked and was given permission to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman from Missouri for yielding, and I thank him for including my amendment in the en bloc amendment.

Mr. Chairman, the defense authorization bill is a tremendous undertaking and I would like to commend Chairman SKELTON and his Committee for their hard work. My amendment would simply insert findings that Modeling, Analysis and Simulation Technology is an important tool that ought to be utilized to the utmost by the Department of Defense.

Modeling and Simulation has become an essential component in ensuring that we meet both the defense and domestic challenges of the 21st century. It allows us to build and develop models of complex systems—whether it be a car, an airplane, an entire battlefield, or even a major city's evacuation plan. By doing this, we can easily and effectively sharpen the tools, procedures, and decisions needed to address difficult and complex problems. Determining how certain actions will affect the end result before implementing the plan in real life provides strategic, tactical and financial benefits. These simulations help us develop better and practical analogies of real world situations.

With the growing international challenges of the 21st century, this technology is vital to the defense of our great Nation. The practical uses of Modeling, Analysis and Simulation technology as a training tool are boundless. Military and airline pilots have been using this technology for decades. Now, simulating battlefield conditions will sharpen the skills of the brave men and women serving in our armed forces. And it is my firm belief that Congress should be interested in using this technology for defense, homeland security, disaster preparedness, and other ways to benefit the public. Every effort should be made to include Modeling, Analysis and Simulation Technology in the training and planning doctrines of the Department of Defense. This amendment is a step in that direction.

The power of modeling, analysis and simulation technology can be particularly useful in urban areas. The fact is that current and future military operations, and emergency management of natural and manmade disasters, do and will continue to involve operations in highly complex, urban environments; we are no longer engaging in traditional battlefield operations. These urban environments include complex geographical, communications, transportation, informational, social, political, and public support subsystems. The interdependence of these subsystems and the cascading effects of warfare or disasters imposed upon them should be modeled in a computer simulation environment. This will help us prepare for emergency consequence management of military, natural and manmade disasters in complex urban environments.

Using modeling, analysis, and simulation technology in the fields of national defense, science, homeland security and disaster planning will better the lives of all Americans, make our Nation safer and save time and

money in the process. I urge my colleagues to adopt the amendment.

Mr. SKELTON. Mr. Chairman, I thank the gentleman from Virginia.

At this time, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY) for the purpose of a colloquy.

Ms. HOOLEY. Mr. Chairman, I thank you and Chairman ORTIZ for including my bill providing for reimbursement for superior helmet liners to protect soldiers with severe head injuries and for adjusting the testing criteria for helmet pad systems.

Thankfully, this bill calls for another round of testing and evaluation on all qualified combat helmet pad systems to be conducted by an independent test laboratory outside the government. I just want to thank you for doing that, for again protecting our soldiers.

I rise today to ask for your help to expand the reintegration programs for members of the National Guard included in this year's National Defense Authorization Act.

In Oregon, our Adjutant General has put together a program that helps to ease returning Guard members through the transition back to civilian life. The Yellow Ribbon National Guard Reintegration Program provides for 5 days of reintegration activities after demobilization. I would ask that the program be expanded to keep returning servicemembers on active duty for up to 15 days after demobilization. Not all need or want the full 15 days, but commanders should have the flexibility to provide extra time to those who need it.

Mr. SKELTON. I thank the gentlewoman for raising this important issue. I assure her that we will make sure that the Reserve Component Reintegration Working Group as well as the Yellow Ribbon National Guard Reintegration Program consider all options to include expanding the current program from 5 to 15 days during their deliberations.

Ms. HOOLEY. I also want to thank the Chair for including report language that acknowledges the success of the Oregon National Guard Reintegration Program. I believe that the program can be a model for other States developing their own programs.

Mr. SKELTON. I certainly agree. And we look forward to the findings of the Reserve Component Reintegration Working Group and the Yellow Ribbon National Guard Reintegration Program.

Ms. HOOLEY. I thank you, Mr. Chair, for all that you do for our soldiers.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Missouri (Mr. SKELTON).

The amendments en bloc were agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–151.

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ANDREWS:

At the end of subtitle E of title XXVIII, add the following new section:

SEC. 2853. DEPARTMENT OF DEFENSE REQUIREMENTS REGARDING USE OF RENEWABLE ENERGY TO MEET AT LEAST 25 PERCENT OF DEPARTMENT ELECTRICITY NEEDS.

Subsection (e) of section 2911 of title 10, United States Code, is amended to read as follows:

''(e) USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.—(1) The Secretary of Defense shall ensure that the Department of Defense—

''(A) produces or procures, from renewable energy sources, not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter; and

''(B) produces or procures electric energy from renewable energy sources whenever the use of such renewable energy sources is consistent with the energy performance goals and energy performance plan for the Department and supported by the special considerations specified in subsection (c).

''(2) In order to achieve the 25-percent requirement specified in paragraph (1)(A) by fiscal year 2025, the Secretary of Defense shall establish annual incremental goals for the production or procurement of electric energy from renewable energy sources for the electric energy needs of the Department. The annual reports on the energy management implementation plan and the annual energy management report shall include information regarding the progress made towards meeting the annual incremental goals and 25-percent requirement.

''(3) The imposition of the 25-percent requirement specified in paragraph (1)(A) by fiscal year 2025 and the requirement to establish annual incremental goals under paragraph (2) does not authorize the Secretary of a military department or a Defense agency to use energy saving performance contracts, enhanced used leases, utility energy service contracts, utilities revitalization authority, and related contractual mechanisms to a greater extent than would be the case in the absence of the 25-percent requirement.

''(4) The Secretary of Defense may waive the requirements of subparagraph (A) or (B) of paragraph (1) if the Secretary—

''(A) determines that the waiver is in the best interests of the Department of Defense; and

''(B) notifies the congressional defense committees of the waiver, including the reasons for the waiver.

''(5) In this subsection, the term 'renewable energy sources' has the meaning given that term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).''.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

MODIFICATION TO AMENDMENT NO. 7 OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I have a modification to my amendment at the desk, and I ask unanimous consent that my amendment be considered in accordance with the modification.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 7 offered by Mr. ANDREWS:

The amendment as modified is as follows:

At the end of subtitle E of title XXVIII, add the following new section:

SEC. 2853. DEPARTMENT OF DEFENSE REQUIREMENTS REGARDING USE OF RENEWABLE ENERGY TO MEET AT LEAST 25 PERCENT OF DEPARTMENT ELECTRICITY NEEDS.

Subsection (e) of section 2911 of title 10, United States Code, is amended to read as follows:

''(e) USE OF RENEWABLE ENERGY TO MEET ELECTRICITY NEEDS.—(1) The Secretary of Defense shall ensure that the Department of Defense—

''(A) produces or procures, from renewable energy sources, not less than 25 percent of the total quantity of electric energy it consumes within its facilities and in its activities during fiscal year 2025 and each fiscal year thereafter; and

''(B) produces or procures electric energy from renewable energy sources whenever the use of such renewable energy sources is consistent with the energy performance goals and energy performance plan for the Department and supported by the special considerations specified in subsection (c).

''(2) In order to achieve the 25-percent requirement specified in paragraph (1)(A) by fiscal year 2025, the Secretary of Defense shall establish annual incremental goals for the production or procurement of electric energy from renewable energy sources for the electric energy needs of the Department. The annual reports on the energy management implementation plan and the annual energy management report shall include information regarding the progress made towards meeting the annual incremental goals and 25-percent requirement.

''(3) The Secretary of Defense, the Secretary of a military department, or a Defense agency may not use any means of third-party financing, including energy savings performance contracts, enhanced use leases, utility energy service contracts, utility privatization agreements, or other related contractual mechanisms, to achieve the 25-percent requirement specified in paragraph (1)(A). Renewable energy produced through any means of third-party financing will not count towards the achievement of the 25-percent requirement.

''(4) The Secretary of Defense may waive the requirements of subparagraph (A) or (B) of paragraph (1) if the Secretary—

''(A) determines that the waiver is in the best interests of the Department of Defense; and

''(B) notifies the congressional defense committees of the waiver, including the reasons for the waiver.

''(5) In this subsection:

''(A) The term 'renewable energy sources' has the meaning given that term in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)).

''(B) The term 'energy savings performance contract' has the meaning given that term in section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c).

''(C) The term 'enhanced use lease' means a lease under section 2667 of this title.

''(D) The term 'utility energy service contract' means a contract under section 2913 of this title.

''(E) The term 'utility privatization authority' means the authority provided under section 2668 of this title.''.

Mr. ANDREWS (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

One of the key determinants of the country's economic prosperity in the future and our ability to become less dependent upon imported fuel from around the world is our ability to develop alternative renewable fuels.

One of the most powerful tools at our disposal is the purchasing power of the Department of Defense. Presently, the Department of Defense spends in excess of $3 billion a year to buy electricity.

The purpose of this amendment is to codify a practice that the Secretary of Defense has already initiated, which is to increase the percentage of electricity purchased by the Department of Defense from the 9 percent, which it presently is, up to 25 percent by the year 2025. In order to do this, we believe that the Secretary of Defense should have flexibility. So the amendment provides that if the Secretary in his or her judgment believes that defense and security goals of the country would be in some way impaired by meeting this target, then the Secretary is authorized to waive this target.

We believe that with the adoption of this amendment and of these goals, we would generate a $15 billion market in the purchase of electricity generated by renewable fuels. We further believe that the entrepreneurial capacity of American scientists and entrepreneurs would generate products that would help fill this need. Once those products are available, they would then be widely available to the commercial and nonprofit and public sectors to help us greatly reduce our dependence upon nonrenewable fuels generally, and imported nonrenewable fuels specifically.

I would ask that the amendment be adopted.

Mr. Chairman, at this point in time I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I am not opposed, but I would like to take the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. I just want to say to my friend that I certainly share his goal of renewable energies being used in the Department of Defense. And I have a colloquy I would like to enter into with the gentleman because I know he had to go to some lengths to be able to make sure that his amendment was in order under our rules, particularly our offset rules.

At this time, I would like to ask my friend from New Jersey to clarify part of his amendment that I have found troubling. And that is, Mr. ANDREWS, if I understand your amendment correctly, the Secretary of Defense would be prohibited from using third-party financing options, such as energy saving performance contracts, known as ESPCs, and enhanced use leases, EULs, in meeting your requirement for them to purchase 25 percent of their electricity from renewable resources by 2025; is that correct?

Mr. ANDREWS. If the gentleman would yield.

Mr. HUNTER. I will yield.

Mr. ANDREWS. That is correct. The amendment, as I would have wanted it drafted, would not have had that restriction in it. However, I was required to include it to avoid a point of order for direct spending.

Mr. HUNTER. So if I understand you correctly, it is not your intent to limit the Department's use of third-party financing while they work to achieve the 25 percent requirement that your amendment lays out.

Mr. ANDREWS. If the gentleman will further yield, that is certainly correct.

I know just how beneficial these authorities are to the Department, and I do not want my amendment to prevent the Secretary of Defense from using these tools to continue to improve energy efficiency and renewable energy use in the Department of Defense. My intent is simply to set firm requirements from what I believe is a responsible energy policy for the Department of Defense.

Mr. HUNTER. With that clarification, would you be willing to work with us to further refine this as we move to conference?

Mr. ANDREWS. If the gentleman would yield, I would gladly work with the gentleman.

Mr. HUNTER. I thank the gentleman.

Mr. Chairman, I would like to turn now to the gentleman who is going to make all of this work, and that is the chairman of the committee, my good friend, Mr. SKELTON.

I happily support Mr. Andrews' amendment. And I hope that you will work with us here as we move down the line toward conference to ensure that these tools that have been available for increasing efficiency and energy use will be available under Mr. Andrews' amendment.

I would yield to the chairman of the committee.

Mr. SKELTON. I thank my friend for yielding. And without going into great detail, I am appreciative of the fact that Mr. ANDREWS and you, Mr. HUNTER, have worked hard on achieving a balanced solution to this amendment as it is in final form here this evening. I think it's very commendable, and I am very much in favor of it. I thank Mr. ANDREWS for raising it, and I thank you, Mr. HUNTER.

Mr. HUNTER. Thank you. Mr. Chairman, I very strongly support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. Mr. Chairman, just very briefly. I want to thank the ranking member of the committee for his great cooperation on this, and obviously our chairman for his help, and extraordinarily fine staff work by the majority staff and the minority staff for which I am very grateful, and also the men and women at the CBO, and my own office, Mr. Luke Ballman, for his hard work on this.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. SKELTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–151.

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. SKELTON:

In section 122(a), strike ''enter into multiyear contracts, beginning with the fiscal year 2008 program year'' and insert ''enter into a multiyear contract, beginning with the fiscal year 2009 program year''.

In section 301(10), strike the dollar amount and insert ''$5,847,609,000''.

In section 301(11), strike the dollar amount and insert ''$5,042,565,000''.

In section 576, strike subsection (i) and insert the following new subsection:

(i) FUNDING.—Of the amount authorized to be appropriated pursuant to section 301(5) for Defense-wide activities, $3,000,000 shall be available for deposit in the Fund for fiscal year 2008.

In section 944(b)(2) (page 444, lines 13 and 14), strike ''Under Secretary of Defense (Comptroller)'' and insert ''Director of the Office of Program Analysis and Evaluation''.

In title XIII, add at the end the following new section:

SEC. 1307. CLARIFICATION OF AMOUNTS FOR COOPERATIVE THREAT REDUCTION PROGRAMS.

The amount in section 1302(a)(9), and the corresponding amounts in section 1302(a) (in the matter preceding paragraph (1)) and in section 301(19), are hereby increased by $48,000, all of which is to expand staff capacity, capabilities, and resources necessary for activities related to new Cooperative Threat Reduction initiatives.

In section 1508, add at the end the following new paragraph:

(11) For the Strategic Readiness Fund, $1,000,000,000.

Redesignate section 1517 as section 1518 and insert after section 1516 the following new section (and conform the table of contents accordingly):

SEC. 1517. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Funds are hereby authorized to be appropriated for fiscal year 2008 to the Department of Energy for the National Nuclear Security Administration for defense nuclear nonproliferation in the amount of $50,000,000.

In section 2104(a), in the matter preceding paragraph (1), strike the dollar amount and insert ''$5,133,817,000''.

In section 2104(a)(1), strike the dollar amount and insert ''$3,089,400,000''.

In section 2204(a), in the matter preceding paragraph (1), strike the dollar amount and insert ''$2,757,249,000''.

In section 2204(a)(1), strike the dollar amount and insert ''$1,496,532,000''.

In section 2204(a)(2), strike the dollar amount and insert ''$293,858,000''.

In section 2304(a)(1), strike the dollar amount and insert ''$710,173,000''.

In section 2404(a), in the matter preceding paragraph (1), strike the dollar amount and insert ''$10,253,464,000''.

In section 2404(a)(1), strike the dollar amount and insert ''$898,483,000''.

Title XXXI, subtitle A, add at the end the following new section:

SEC. 3105. OTHER ATOMIC ENERGY DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2008 for energy security and assurance programs necessary for national security in the amount of $6,000,000.

Make the following technical amendments:

(1) Page 302, lines 13 to 20, move the margins 2 ems to the right.

(2) Page 332, line 20, insert ''in'' before ''subparagraph (B)''.

(3) Page 478, lines 12 to 15, move the margins 2 ems to the right.

(4) Page 513, line 22, strike ''(I)'' and insert ''(i)''.

(5) Page 514, line 20, strike ''(I)'' and insert ''(i)''.

(6) Page 623, line 19, strike the period and insert a semicolon.

(7) Page 669, line 16, strike ''(I)'' and insert ''(i)''.

(8) Page 734, line 10, strike ''redesignation'' and insert ''redesignating''.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, my manager's amendment which is before us this moment makes a series of technical and conforming changes, all of which have been set forth for the Members throughout the day, and I ask all the Members to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I just want to thank my chairman, Mr. SKELTON, the gentleman from Missouri, for such a wonderful job on this bill. We are totally in agreement with the manager's amendment and support it.

Mr. SKELTON. I thank the gentleman.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania, my friend (Mr. TIM MURPHY).

Mr. TIM MURPHY of Pennsylvania. I thank the gentleman.

Mr. Chairman, I rise today to ask for your help in this colloquy to identify an alternative that will allow the commissary and exchange stores to remain open at the Army's Charles E. Kelly support facility in Oakdale, Pennsylvania.

Although this installation will close as a result of the base realignment and closure process, there will remain a strong demand for these stores that are so critical to the vitality and welfare of any military community.

In the case of the Kelly support facility, the population of activity duty, reservists and retirees in western Pennsylvania, and the adjacent areas of Ohio and West Virginia, is estimated to be nearly 70,000, with another 100,000 family members. I would hope that a way can be found to project this critical benefit for these great Americans who have faithfully served our Nation.

Mr. Chairman, I yield to the gentleman for a response.

Mr. SKELTON. I thank the gentleman for raising this very important issue. I assure the gentleman from Pennsylvania that I will assist him in pursuing new options for protecting these important benefits at the Kelly support facility.

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Mr. TIM MURPHY of Pennsylvania. Mr. Chairman, I also want to thank the gentleman for including report language including the development of a new model for a combined commissary and exchange store. I believe a new strategy for combining these stores can be a valuable tool in protecting these benefits.

Mr. SKELTON. Mr. Chairman, I agree. A combined commissary and exchange store may be the key to the future military resale activities at installations such as at the Kelly Support Facility.

Mr. TIM MURPHY of Pennsylvania. Finally, Mr. Chairman, I thank you for your support. I would also like to thank Chairman MURTHA for his help and commitment and my Pittsburgh colleague and friend, MIKE DOYLE, and also Mr. ALTMIRE for help on this project. I am pleased to be working with all of my colleagues on this important issue and look forward to continuing our work together.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 16 printed in House Report 110–151.

Mr. SKELTON. Mr. Chairman, at this time, we are nearing the end of all the debate. We have finished all the amendments.

Mr. Chairman, my heart is filled with gratitude for the other Members, for our ranking member, Mr. HUNTER, and to our amazing staff. The American people should know what a wonderful staff we have in putting together this defense bill. So many of them have stayed up late at night, early in the morning, all night long to write and make sure that we have the t's crossed and the i's dotted, to make sure that the young men and young women, as well as those who lead the young men and young women, have the tools with which to keep our country safe and, of course, free. We have a great deal of gratitude for all of them, and I just can't thank them enough.

Mr. Chairman, I yield to my friend from California.

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding. I just want to join with our chairman, IKE SKELTON, in thanking all of our staff, who have done a wonderful job in bringing together hundreds of issues at the subcommittee level, at the full committee level, and now on the House floor, and in these difficult times.

In these partisan times, when we all have to wear our partisan hat at times, this committee, which I think is the most bipartisan committee in the House of Representatives, has done a good job. We have provided good tools, good equipment, good resources for the people that wear the uniform of the United States, and a lot of that should be credited to our chairman, the gentleman from Missouri, Mr. SKELTON.

Many thanks, IKE, for your great work on this bill. I am sure we will have a great vote on it tomorrow, after we present you with an irresistible motion to recommit. I look forward to closing out the bill with you tomorrow. I know you will drive it successfully through the conference.

Thank you for everything that you have done in stitching this thing together. It is important for our troops, and I think we have done a pretty effective job today of moving it down the line. Many thanks.

Mr. SKELTON. Mr. Chairman, I am grateful for the gentleman's comments and grateful for his work.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BRALEY of Iowa) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1585) to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2008, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1585.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

COMMUNICATION FROM THE HONORABLE THELMA DRAKE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable THELMA DRAKE, Member of Congress: