which to revise and extend their remarks and include extraneous material and that I may include tabular material on the consideration of H.R. 2863, Department of Defense Appropriations Act, 2006.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2006.

The SPEAKER pro tempore. Pursuant to House Resolution 315 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2863.

The Chair designates the gentleman from Michigan (Mr. CAMP) as chairman of the Committee of the Whole, and requests the gentleman from Arkansas (Mr. BOOZMAN) to assume the chair temporarily.

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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 consideration of the bill (H.R. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, with Mr. BOOZMAN (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to say to the House that the gentleman from Pennsylvania (Mr. MURTHA) has been a partner in this effort from day one in preparing and presenting this national defense bill. It is a truly bipartisan appropriations bill to provide for the security of our Nation and to provide for the troops who serve our Nation and to provide them with the equipment and the technology necessary to accomplish their mission and to protect themselves while they do that. I extend my thanks to the gentleman from Pennsylvania. I also thank Chairman LEWIS of the Appropriations Committee for the support that he has given us as well as the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Appropriations Committee.

This appropriations bill is a good bipartisan bill, a nonpartisan bill. There are no politics involved at all. It is simply to provide for maintaining our security and to provide for our troops. Copies of this legislation have been available for several weeks now. There have been reports distributed to all of the Members. Although this bill is $3.3 billion less than the budget resolution provided for us, we were able to use some skillful oversight and be able to produce this bill at $3.3 billion less than the President's request and less than the budget had provided.

Mr. Chairman, this is a good bill.

Mr. Chairman, I'm pleased to come to the floor to present the Department of Defense Appropriations Act for fiscal year 2006. This legislation includes $363.7 billion in the base appropriations bill, of which $363.4 billion is new discretionary budget authority.

In addition, $45.3 billion is provided in a bridge fund to support ongoing operations in Iraq and Afghanistan; this is consistent with authority provided in the budget resolution, and follows the lead of the Armed Services Committee, which authorized $49 billion for this purpose in the House-passed version of the National Defense Authorization Act.

The Subcommittee allocation for the base bill is $3.3 billion below the President's request. This presented us with some difficult challenges, but I believe we have made appropriate choices given our allocation.

The gentleman from Pennsylvania, Mr. MURTHA, was a full partner in this process. This bill was developed with bipartisan support and deserves bipartisan support.

Let me discuss some of the major funding highlights in the base bill:

For military personnel, we fully fund the pay raise of 3.1 percent as requested by the President, and we fully support quality of life and family-oriented programs.

To support our soldiers and their families, we have added $30 million for Impact Aid and increased Family Advocacy programs by $20 million.

In operation and maintenance, the base bill provides funding for critical training, readiness and I maintenance activities at roughly the historic level for these programs; the overall increase is $3.2 billion over the 2005 level.

I In the Army acquisition accounts, we fully fund the request of $882.4 million for 240 Stryker vehicles. We also fully fund the request of $443.5 million for modifications and improvements to the M1 Abrams tank, an increase of $326.5 million over the 2005 level.

In Naval aviation we fully fund the request for 130 aircraft, including 42 F/A–18's, compared to 115 total aircraft provided in fiscal year 2005. In addition, 8 aircraft are shifted back to the Air Force consistent with the restoration of the C–130J multiyear procurement contract.

In shipbuilding we make some significant adjustments to the President's request:

We are funding the new construction of 8 ships, as opposed to 4 new ships as proposed in the budget.

We continue production of an additional DDG–51 destroyer, which was proposed for termination in the budget.

Funds are provided to acquire 2, rather than just 1, T–AKE ammunition ships, consistent with the authorization bill.

In addition, we're providing funds for 3 littoral combat ships, 2 more than were included in the President's budget request.

For the Air Force:

We are fully funding the budget request for procurement of 24 F/A–22 Raptors in 2006, and advance procurement for 29 aircraft in 2007.

We are restoring funding for the C–130J multiyear procurement program by transferring funding from the Navy to the Air Force. The Air Force will procure 9 aircraft; the Navy will procure 4 tanker variants.

Full funding is recommended for the procurement of 15 C–17 aircraft, with advance procurement for 7 additional aircraft in 2007.

In the research and development accounts:

We follow the lead of the Armed Services Committee in recommending no funds for advance procurement for the DD(X) destroyer, but are keeping the program alive by providing $670 million in R&D.

We are accelerating development of the CG(X) cruiser, by increasing funding from $30 million to $80 million.

Full funding of $935.5 million is provided for 5 V–XX helicopters.

We provide a total of $4.9 billion, as requested by the President, for research and development associated with the Joint Strike Fighter program.

As I mentioned earlier, the bill also includes $45.3 billion in fiscal year 2006 funding to sustain the war effort in a bridge fund. The 2006 budget resolution reserves $50 billion for contingency operations in support of the global war on terrorism. In addition, the Armed Services Committee proposed, and the House has approved, an authorization of over $49 billion for the same purposes. This bill has slightly lower levels for the military personnel accounts and the procurement accounts based on more recent information we have received from the Department of Defense.

I believe the $45 billion bridge fund in this bill for contingency operations is the responsible thing to do to support our troops. It will ensure they face no interruption in funding for the first six months of fiscal year 2006 as they face our enemies abroad.

Over 80 percent of the funds in title IX are provided for military personnel, and operation and maintenance accounts. In addition, $2.5 billion is for intelligence activities; $2.1 billion is for fuel and war consumables; and $2.9 billion is for procurement to replace war losses and provide force protection for our men and women in uniform.

Mr. Chairman, this summarizes the major elements of the recommendations before you. We have not been able to meet all the needs identified by the Defense Department and by Members of Congress. However, within the budget constraints we faced, I think we struck a fair balance that deserves the support of the House.

Mr. Chairman, I urge support for this legislation.

DEPARTMENT OF DEFENSE APPROPRIATIONS FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army	26,039,540	24,455,295	24,357,895	-1,681,645	-97,400
Military Personnel, Navy	20,876,556	19,439,196	19,417,696	-1,458,860	-21,500
Military Personnel, Marine Corps	8,527,529	7,845,913	7,839,813	-687,716	-6,100
Military Personnel, Air Force	21,145,141	20,254,837	20,083,037	-1,062,104	-171,800
Reserve Personnel, Army	3,373,773	2,938,703	2,862,103	-511,670	-76,600
Reserve Personnel, Navy	1,881,750	1,583,061	1,486,061	-395,689	-97,000
Reserve Personnel, Marine Corps	584,128	480,592	472,392	-111,736	-8,200
Reserve Personnel, Air Force	1,392,169	1,243,560	1,225,360	-166,809	-18,200
National Guard Personnel, Army	5,467,656	4,669,104	4,359,704	-1,107,952	-309,400
National Guard Personnel, Air Force	2,326,091	2,051,715	2,028,215	-297,876	-23,500
Total, title I, Military Personnel	91,614,333	84,961,976	84,132,276	-7,482,057	-829,700
TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army	23,797,606	23,491,077	22,432,727	-1,364,879	-1,058,350
Operation and Maintenance, Navy	28,353,957	29,414,918	28,719,818	+365,861	-695,100
Operation and Maintenance, Marine Corps	3,106,145	3,250,966	3,123,766	+17,621	-127,200
Operation and Maintenance, Air Force	26,121,823	29,705,435	28,659,373	+2,537,550	-1,046,062
Operation and Maintenance, Defense-Wide	17,354,619	18,338,069	18,323,516	+968,897	-14,553
Operation and Maintenance, Army Reserve	1,789,987	1,783,012	1,791,212	+1,225	+8,200
Operation and Maintenance, Navy Reserve	1,164,228	1,182,907	1,178,607	+14,379	-4,300
Operation and Maintenance, Marine Corps Reserve	175,070	189,829	199,929	+24,859	+10,100
Operation and Maintenance, Air Force Reserve	2,189,534	2,445,922	2,465,122	+275,588	+19,200
Operation and Maintenance, Army National Guard	4,058,342	4,118,175	4,142,875	+84,533	+24,700
Operation and Maintenance, Air National Guard	4,242,096	4,554,300	4,547,515	+305,419	-6,785
Overseas Contingency Operations Transfer Account	10,000	20,000	20,000	+10,000	---
United States Court of Appeals for the Armed Forces	10,825	11,236	11,236	+411	---
Overseas Humanitarian, Disaster, and Civic Aid	59,000	61,546	61,546	+2,546	---
Former Soviet Union Threat Reduction Account	409,200	415,549	415,549	+6,349	---
Total, title II, Operation and maintenance	112,842,432	118,982,941	116,092,791	+3,250,359	-2,890,150
TITLE III					
PROCUREMENT					
Aircraft Procurement, Army	2,854,541	2,800,880	2,879,380	+24,839	+78,500
Missile Procurement, Army	1,307,000	1,270,850	1,239,350	-67,650	-31,500
Procurement of Weapons and Tracked Combat Vehicles, Army	2,467,495	1,660,149	1,670,949	-796,546	+10,800
Procurement of Ammunition, Army	1,590,952	1,720,872	1,753,152	+162,200	+32,280
Other Procurement, Army	4,955,296	4,302,634	4,491,634	-463,662	+189,000
Aircraft Procurement, Navy	8,912,042	10,517,126	9,776,440	+864,398	-740,686
Weapons Procurement, Navy	2,114,720	2,707,841	2,596,781	+482,061	-111,060
Procurement of Ammunition, Navy and Marine Corps	888,340	872,849	885,170	-3,170	+12,321
Shipbuilding and Conversion, Navy	10,427,443	8,721,165	9,613,358	-814,085	+892,193
Other Procurement, Navy	4,875,786	5,487,818	5,461,196	+585,410	-26,622
Procurement, Marine Corps	1,432,203	1,377,705	1,426,405	-5,798	+48,700
Aircraft Procurement, Air Force	13,648,304	11,973,933	12,424,298	-1,224,006	+450,365
Missile Procurement, Air Force	4,458,113	5,490,287	5,062,949	+604,836	-427,338
Procurement of Ammunition, Air Force	1,327,459	1,031,207	1,031,907	-295,552	+700
Other Procurement, Air Force	13,071,297	14,002,689	13,737,214	+665,917	-265,475
Procurement, Defense-Wide	2,956,047	2,677,832	2,728,130	-227,917	+50,298
National Guard and Reserve Equipment	350,000	---	---	-350,000	---
Defense Production Act Purchases	42,765	19,573	28,573	-14,192	+9,000
Total, title III, Procurement	77,679,803	76,635,410	76,806,886	-872,917	+171,476

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army	10,698,989	9,733,824	10,827,174	+128,185	+1,093,350
Research, Development, Test and Evaluation, Navy	17,043,812	18,037,991	18,481,862	+1,438,050	+443,871
Research, Development, Test and Evaluation, Air Force	20,890,922	22,612,351	22,664,868	+1,773,946	+52,517
Research, Development, Test and Evaluation, Defense-Wide	20,983,624	18,803,416	19,514,530	-1,469,094	+711,114
Operational Test and Evaluation, Defense	314,835	168,458	168,458	-146,377	---
Total, title IV, Research, Development, Test and Evaluation	69,932,182	69,356,040	71,656,892	+1,724,710	+2,300,852
TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds	1,174,210	1,471,340	1,154,340	-19,870	-317,000
National Defense Sealift Fund: Ready Reserve Force	1,204,626	1,648,504	1,599,459	+394,833	-49,045
Total, title V, Revolving and Management Funds	2,378,836	3,119,844	2,753,799	+374,963	-366,045
TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Chemical Agents & Munitions Destruction, Army:					
Operation and maintenance	1,088,801	1,241,514	1,191,514	+102,713	-50,000
Procurement	78,980	116,527	116,527	+37,547	---
Research, development, test and evaluation	205,209	47,786	47,786	-157,423	---
Total, Chemical Agents 1/	1,372,990	1,405,827	1,355,827	-17,163	-50,000
Drug Interdiction and Counter-Drug Activities, Defense	906,522	895,741	906,941	+419	+11,200
Office of the Inspector General	204,562	209,687	209,687	+5,125	---
Total, title VI, Other Department of Defense Programs	2,484,074	2,511,255	2,472,455	-11,619	-38,800
TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund	239,400	244,600	244,600	+5,200	---
Intelligence Community Management Account	310,466	354,844	376,844	+66,378	+22,000
Transfer to Department of Justice	(39,422)	(17,000)	(39,000)	(-422)	(+22,000)
National Security Education Trust Fund	8,000	---	---	-8,000	---
Total, title VII, Related agencies	557,866	599,444	621,444	+63,578	+22,000
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec. 8005)	(3,500,000)	(4,000,000)	(4,000,000)	(+500,000)	---
Indian Financing Act incentives (Sec. 8019)	8,000	---	8,000	---	+8,000
FFRDCs (Sec. 8025)	-125,000	---	-40,000	+85,000	-40,000
Disposal & lease of DOD real property	25,000	---	---	-25,000	---
Overseas Mil Fac Invest Recovery (Sec. 8033)	1,000	---	1,000	---	+1,000
Rescissions (Sec. 8044)	-779,637	---	-633,550	+146,087	-633,550
Shipbuilding & Conv. Funds, Navy	---	18,000	---	---	-18,000
Travel Cards (Sec. 8068)	44,000	45,000	45,000	+1,000	---
Special needs students	5,500	---	---	-5,500	---
Fisher House (Sec. 8077)	2,000	---	2,500	+500	+2,500

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
CAAS/Other Contract Growth (Sec. 8078)	-300,000	---	-264,630	+35,370	-264,630
Contracted Advisory and Assistance Services (Sec.8079)	-500,000	---	-167,000	+333,000	-167,000
Aircraft Procurement, Navy	34,000	---	---	-34,000	---
Operation and Maintenance, Defense-wide	40,000	---	---	-40,000	---
IT cost growth reduction	-197,500	---	---	+197,500	---
Working Capital Funds Cash Balance (Sec. 8086)	-316,000	---	-250,000	+66,000	-250,000
Ctr for Mil Recruiting Assessment & Vet Emp(Sec. 8087)	6,000	---	6,000	---	+6,000
Various grants (Sec. 8089)	51,425	---	14,400	-37,025	+14,400
Assumed management improvements	-711,000	---	---	+711,000	---
Transportation Working Capital Fund	-967,200	---	---	+967,200	---
MCAGCC health demonstration program	2,500	---	---	-2,500	---
Contract offsets	-50,000	---	---	+50,000	---
Budget withholds	-350,000	---	---	+350,000	---
Tanker replacement transfer fund	100,000	---	---	-100,000	---
Unobligated balances	-768,100	---	---	+768,100	---
Travel costs (Sec. 8100)	-100,000	---	-147,000	-47,000	-147,000
Procurement Offsets (Sec. 8101)	---	---	-176,500	-176,500	-176,500
Army Venture Capital Funds (Sec. 8102)	---	---	15,000	+15,000	+15,000
Total, Title VIII, General Provisions	-4,845,012	63,000	-1,586,780	+3,258,232	-1,649,780
TITLE IX - ADDITIONAL APPROPRIATIONS					
DEPARTMENT OF DEFENSE--MILITARY					
Military Personnel					
Military Personnel, Army (contingency operations)	---	---	5,877,400	+5,877,400	+5,877,400
Military Personnel, Navy (contingency operations)	---	---	282,000	+282,000	+282,000
Military Personnel, Marine Corps (contingency ops.)	---	---	667,800	+667,800	+667,800
Military Personnel, Air Force (contingency operations)	---	---	982,800	+982,800	+982,800
Reserve Personnel, Army (contingency operations)	---	---	138,755	+138,755	+138,755
National Guard Personnel, Army (contingency ops.)	---	---	67,000	+67,000	+67,000
Total, Military Personnel	---	---	8,015,755	+8,015,755	+8,015,755
Operation and Maintenance					
Operation & Maintenance, Army (contingency operations)	---	---	20,398,450	+20,398,450	+20,398,450
Operation & Maintenance, Navy (contingency operations)	---	---	1,907,800	+1,907,800	+1,907,800
Operation & Maintenance, Marine Corps (conting. ops.)	---	---	1,827,150	+1,827,150	+1,827,150
Operation & Maintenance, Air Force (conting. ops.)	---	---	3,559,900	+3,559,900	+3,559,900
Operation & Maintenance, Defense-Wide (conting. ops.)	---	---	826,000	+826,000	+826,000
Iraq Freedom Fund (contingency operations)	---	---	3,500,000	+3,500,000	+3,500,000
Operation & Maintenance, Army Reserve (conting. ops.)	---	---	35,700	+35,700	+35,700
Operation & Maintenance, Marine Corps Reserve (contingency operations)	---	---	23,950	+23,950	+23,950
Operation & Maintenance, Army National Guard (contingency operations)	---	---	159,500	+159,500	+159,500
Total, Operation and Maintenance	---	---	32,238,450	+32,238,450	+32,238,450
Procurement					
Procurement of Weapons and Tracked Combat Vehicles, Army (contingency operations)	---	---	455,427	+455,427	+455,427
Procurement of Ammunition, Army (contingency ops.)	---	---	13,900	+13,900	+13,900
Other Procurement, Army (contingency operations)	---	---	1,501,270	+1,501,270	+1,501,270
Weapons Procurement, Navy (contingency operations)	---	---	81,696	+81,696	+81,696
Procurement of Ammunition, Navy and Marine Corps (contingency operations)	---	---	144,721	+144,721	+144,721
Other Procurement, Navy (contingency operations)	---	---	48,800	+48,800	+48,800
Procurement, Marine Corps (contingency operations)	---	---	389,900	+389,900	+389,900
Aircraft Procurement, Air Force (contingency ops.)	---	---	115,300	+115,300	+115,300
Other Procurement, Air Force (contingency operations)	---	---	2,400	+2,400	+2,400
Procurement, Defense-Wide (contingency operations)	---	---	103,900	+103,900	+103,900
Total, Procurement	---	---	2,857,314	+2,857,314	+2,857,314

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Research, Development, Test and Evaluation					
Research, Development, Test & Evaluation, Navy (contingency operations)	---	---	13,100	+13,100	+13,100
Research, Development, Test and Evaluation, Defense-Wide (contingency operations)	---	---	75,000	+75,000	+75,000
Total, Research, Development, Test and Evaluation	---	---	88,100	+88,100	+88,100
Defense Working Capital Funds (contingency operations)	---	---	2,055,000	+2,055,000	+2,055,000
Additional transfer authority (contingency operations)	---	---	(2,500,000)	(+2,500,000)	(+2,500,000)
Total, Title IX	---	---	45,254,619	+45,254,619	+45,254,619
Total for the bill (net)	352,644,514	356,229,910	398,204,382	+45,559,868	+41,974,472
OTHER APPROPRIATIONS					
Emergency Supplemental Appropriations for Hurricane Disaster Assistance Act (emergency) (P.L. 108-324)2/	897,400	---	---	-897,400	---
Miscellaneous Provisions and Offsets (Sec. 108) (Division J, P.L. 108-447)	2,000	---	---	-2,000	---
Emergency Supplemental Appropriations for Defense, The Global War on Terror, and Tsunami Relief Act, 2005 (emergency) (P.L. 109-13)	73,163,308	---	---	-73,163,308	---
Transfer authority (emergency)	(5,685,000)	---	---	(-5,685,000)	---
Net grand total (including other appropriations)	426,707,222	356,229,910	398,204,382	-28,502,840	+41,974,472
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Lease of defense real property (permanent)3/	---	12,000	12,000	+12,000	---
Disposal of defense real property (permanent)3/	---	15,000	15,000	+15,000	---
Army Venture Capital Funds	17,000	---	---	-17,000	---
O&M, Army transfer to National Park Service:					
Defense function	-1,900	---	-2,500	-600	-2,500
Non-defense function	1,900	---	2,500	+600	+2,500
RDT&E, Navy transfer to NOAA:					
Defense function	-18,000	---	---	+18,000	---
Non-defense function	18,000	---	---	-18,000	---
O&M, Defense-wide transfer to Forest Service:					
Defense function	-40,000	---	---	+40,000	---
Non-defense function	40,000	---	---	-40,000	---
Tricare accrual (permanent, indefinite auth.) 4/	---	10,707,483	10,707,483	+10,707,483	---
Less emergency appropriations 5/	-74,060,708	---	-45,254,619	+28,806,089	-45,254,619
Total, scorekeeping adjustments	-74,043,708	10,734,483	-34,520,136	+39,523,572	-45,254,619
Adjusted total (includ. scorekeeping adjustments)	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147
Appropriations	(353,443,151)	(366,964,393)	(364,317,796)	(+10,874,645)	(-2,646,597)
Rescissions	(-779,637)	---	(-633,550)	(+146,087)	(-633,550)
Total (including scorekeeping adjustments)	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147
Amount in this bill	(426,707,222)	(356,229,910)	(398,204,382)	(-28,502,840)	(+41,974,472)
Scorekeeping adjustments	(-74,043,708)	(10,734,483)	(-34,520,136)	(+39,523,572)	(-45,254,619)
Total mandatory and discretionary	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147
Mandatory	239,400	244,600	244,600	+5,200	---
Discretionary	352,424,114	366,719,793	363,439,646	+11,015,532	-3,280,147

DEPARTMENT OF DEFENSE APPROPRIATIONS - FY 2006 (H.R. 2863)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAPITULATION					
Title I - Military Personnel	91,614,333	84,961,976	84,132,276	-7,482,057	-829,700
Title II - Operation and Maintenance	112,842,432	118,982,941	116,092,791	+3,250,359	-2,890,150
Title III - Procurement	77,679,803	76,635,410	76,806,886	-872,917	+171,476
Title IV - Research, Development, Test and Evaluation	69,932,182	69,356,040	71,656,892	+1,724,710	+2,300,852
Title V - Revolving and Management Funds	2,378,836	3,119,844	2,753,799	+374,963	-366,045
Title VI - Other Department of Defense Programs	2,484,074	2,511,255	2,472,455	-11,619	-38,800
Title VII - Related Agencies	557,866	599,444	621,444	+63,578	+22,000
Title VIII - General Provisions (net)	-4,845,012	63,000	-1,586,780	+3,258,232	-1,649,780
Title IX - Additional Appropriations (net)	---	---	45,254,619	+45,254,619	+45,254,619
Total, Department of Defense	352,644,514	356,229,910	398,204,382	+45,559,868	+41,974,472
Other defense appropriations	74,062,708	---	---	-74,062,708	---
Total funding available (net)	426,707,222	356,229,910	398,204,382	-28,502,840	+41,974,472
Scorekeeping adjustments	-74,043,708	10,734,483	-34,520,136	+39,523,572	-45,254,619
Total mandatory and discretionary	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147
RECAP BY FUNCTION					
Mandatory	239,400	244,600	244,600	+5,200	---
Discretionary:					
General purpose discretionary:					
Defense discretionary	352,364,214	366,719,793	363,437,146	+11,072,932	-3,282,647
Nondefense discretionary	59,900	---	2,500	-57,400	+2,500
Total discretionary	352,424,114	366,719,793	363,439,646	+11,015,532	-3,280,147
Grand total, mandatory and discretionary	352,663,514	366,964,393	363,684,246	+11,020,732	-3,280,147

FOOTNOTES:
1/ Included in Budget under Procurement title.
2/ In FY 2005, excludes $12M ($10M outlays) for Defense Health Program that is under House Military Quality of Life and VA Appropriations.
3/ Sec. 8034 of Public Law 108-287.
4/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375).
5/ Includes Title IX contingency operations funds.

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

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

I say that I agree with the chairman completely. It is the best we could do with the amount of money they gave us. It is completely bipartisan. It takes care of the troops. It has been distributed to everybody. We will go right to the 5-minute rule.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 2 minutes to pay tribute to a longtime staffer of this defense subcommittee. This is the first time that I have had the opportunity to bring a defense appropriations bill to the floor without having Kevin Roper sitting here beside me and providing the staff assistance that he has provided so eloquently.

He served this committee for 20 years, first as the aide to the then-ranking member, Congressman Joe McDade. Prior to the 20 years that he served this committee in the minority status and the majority status, he served 10 years in the United States Air Force. Kevin Roper is just a very, very special patriot. His knowledge of the defense establishment, his knowledge of the defense appropriations bill is extremely unique. I am just really proud to call him a friend. I am very, very heavyhearted to announce that he is leaving the committee to move on to spending more time with his family, his wife, and his children.

Mr. Chairman, I would like to recognize the fact that this Kevin Roper that I am speaking about, everyone on the floor should recognize him. He has been here so long. Kevin Roper, God bless you for the good work you have done. Thank you very much. We appreciate you.

Mr. Chairman, this is the first time that I have brought a Defense Appropriations Bill to the floor that I haven't had Kevin Roper by my side as the Staff Director of the Subcommittee and as he leaves the Committee staff to pursue other interests, I wanted to let the record show how much we all have valued his counsel over the years.

Kevin served the Appropriations Committee for more than 20 years, and he had a distinguished career in the Air Force for 10 years before that. He came to the committee in August of 1984 when he served as Congressman and Ranking Minority member Joe McDade's associate staff for Defense matters. Joe appointed him to be the Minority staff director in 1988 when our dear friend George Allen, his predecessor, passed away during an official mission overseas.

When the Republicans became the majority party in 1995, Kevin became the Majority staff director serving both me and Chairman JERRY LEWIS for the past 10 years in that capacity. During that period of time he assisted me and Chairman LEWIS in the preparation, passage, and conference of 10 annual Defense Appropriation bills and more than 21 Supplemental and wrap up bills which contained Defense Chapters.

Kevin to this day loves his work and worked tirelessly to assist us in providing our men and women in uniform the tools they need to carry out their mission. He joined us when we were at the height of the cold war and assisted us in bringing that era to a successful conclusion. He was at his best when we were at war through two Gulf Wars, Panama, Somalia, Haiti, Bosnia, Kosovo and probably would have left a couple of years ago had it not been for the terrorist attacks before and on September 11th.

Kevin always made great contributions and we wish him well as he plans a career which will allow him to spend more time with his family. He doted on his family and our loss is the gain of his wife Klytia and his children Katie, Audrey and Matthew.

Mr. NUSSLE. Mr. Chairman, this measure—the Defense Appropriations Act for Fiscal Year 2006, H.R. 2863—is the most significant component of our wartime budget for America. It funds the bulk of the national defense commitment, particularly the global war against terrorism. As Chairman of the Budget Committee, I am also pleased to report that the measure is consistent with the levels established by the conference report to H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006.

The budget resolution called for $441.6 billion in discretionary budget authority for the national defense function in 2006, and an additional $50 billion under a special Exemption of Overseas Contingency Operations that would not count against the Defense subcommittee's 302(b) allocation. In this way the budget resolution anticipated costs for continuing operations in Afghanistan and Iraq. A portion of the budget resolution's total national defense funding went toward the recently passed military quality of life and energy and water bills.

This bill provides the balance of $363.4 billion in new discretionary budget authority towards funding the President's February defense budget request. It includes $45.3 billion that has been designated pursuant to section 401(a) of the budget resolution for Overseas Contingency Operations which are thereby exempt from the 302(b) allocations. These funds will, however, be counted against the discretionary totals identified in the budget resolution.

Excluding the emergency portion, the bill's funding shows a 3.5-percent increase from the previous year, and it builds on a 5-year average annual growth rate of 10.5 percent for defense appropriations. The base amount is equal to the 302(b) allocation to the House Appropriations Subcommittee on Defense. I should note that the bill includes rescissions of prior year funds in the amount of $634 million which enable it to meet this allocation.

Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

One factor I wish to note is that the bill reduces funding for operations and maintenance considerably from the President's February request. Although there is a widespread belief that any potential operations and maintenance shortfall can simply be made up for with supplemental spending, Congress should avoid making a regular practice of budgeting by supplemental for predictable events. There is also a risk that cutting Defense spending may lead to a commensurate increase in discretionary non-defense spending. This would be inconsistent with the President's request to put the Nation's security first by reducing non-defense non-homeland security domestic discretionary growth to less than 1 percent.

With that, I wish to reiterate my support for H.R. 2863.

Mr. KING of Iowa. Mr. Chairman, terrorist events have brought this point to light, dramatically illustrating how the security of the United States is dependent upon its strength in the area of foreign language competency. If the United States is truly committed to continuing as the leader in the global economic community, as well as in the on-going fight against terrorism dictated by the global war on terrorism, some very serious commitments will have to be made in support of language study. Our history, and particularly our recent history, has repeatedly illustrated the consequences of not having adequate foreign language expertise available in times of crisis.

In 1988 the satellite communications language training activities (SCOLA) became the first broad-scale provider of authentic foreign television and today provides this resource from 75 countries. From the beginning the Federal Government has recognized the importance of authentic foreign programming as a tool to help teach foreign languages. By watching and listening, students are able to actually experience the foreign culture and develop their language skills in the native real-life environment. This programming is also a vital intelligence resource since it provides significant insight into the internal happenings of the various countries.

Throughout its long-time relationship with the Defense Language Institute (DLI), National Security Agency (NSA), Central Intelligence Agency (CIA), State Department, military and other government sectors, SCOLA has been particularly responsive to requests for programming from specific areas of the world, with a major portion of its current programming schedule developed as a direct result of specific requests. In addition SCOLA offered this resource from regions of the world that never really had a significant presence in the United States before.

SCOLA is a unique satellite-based language training activity that provides television programming in a variety of languages from around the world. Language students and seasoned linguists have found this augmentation of their normal language training to be very helpful. SCOLA also has an Internet-based streaming video capability that greatly increases the availability of this training medium to military and civilian linguists, virtually anywhere they can obtain an Internet connection. In addition, SCOLA is developing a digital archive that will allow users anywhere to review and sort language training information on demand. The development of these capabilities will make SCOLA training assistance much more widely available, but requires additional investment. The committee is concerned that even after three years of encouragement from the Congress, and in an operational environment where the value of language training is of great importance to the nation, the Department of Defense has not fully funded the innovative language training concepts that can help sustain and significantly improve the skills of military and civilian linguists in the Department.

Mr. Chairman, the Senate FY 2006 Defense Authorization, S. 1042, recommends an increase of $6.0 million in Operations Maintenance—Army, for the Defense Language Institute, for funding of SCOLA related training activities. In light of current events, the significance of SCOLA's widespread availability to the U.S. military and other government users cannot be overstated.

It is my hope that with the House and Senate appropriators will ensure that vital funding for SCOLA is included in the final H.R. 2863—Department of Defense Appropriations Act for Fiscal Year 2006.

Mr. SIMPSON. Mr. Speaker, I rise today to recoginize the continuing role that the Government of Japan is playing to promote peace and democracy in Iraq and around the world. The determination and commitment of Japan, one of our Nation's most important allies, is particularly significant, especially at this time. We all read news stories about the difficulties and tensions that the United States has with our allies and even with coalition partners in Iraq, but we rarely read about the good news.

As the House debates funding for our troops at home and abroad, I believe it is timely and important to highlight several recent developments in Japan's contributions to these efforts.

IRAQ AND AFGHANISTAN

In April, the Government of Japan decided to extend for an additional 6 months, until November 1, 2005, the operation of Japan's Self Defense Forces (SDF) in support of ''Operation Enduring Freedom (OEF).'' As part of these operations, Japan has dispatched destroyers and supply ships to the Indian Ocean to provide at-sea refueling to U.S. and other allied naval vessels in the campaign. As of March 29, the Maritime SDF has completed more than 500 refueling operations for those naval vessels. As a result, Japan supplies about 30 percent of all fuel consumed by U.S. and allied naval vessels. Since last November, the Maritime SDF has begun to supply water and fuel for helicopters to the allied countries.

Japan has also sent their SDF forces to Iraq. The operations have included ground troops, naval vessels and aircraft, all involved in reconstruction and humanitarian projects. At one point, the total number of Japanese SDF forces in the Iraq theater was approximately 1,000, including about 600 ground troops. These are historic operations, the first of their kind by Japan since the end of World War II.

In addition, the Air SDF of Japan has provided airlift support to the U.S. Forces with C–130 transport aircraft and other planes. The Air SDF has completed more than 400 transport missions both in Japan and overseas in support of Operation Iraqi Freedom and Enduring Freedom.

Further, Japan is the second largest donor in Iraq after the United States, with over $5 billion dollars for humanitarian, infrastructure and reconstruction projects. Japan also hosted a donor's conference last October, and continues to play an active role in the core group of donors.

With respect to the reconstruction for Afghanistan, Japan has committed, in total, $1 billion of assistance, of which about $900 million have been disbursed so far.

JAPAN'S EFFORTS IN THE MIDDLE EAST PEACE PROCESS

Japan is actively involved in advancing the Middle East peace process, including the provision of assistance to the Palestinians. To support Palestinians' peace efforts, Japan announced at the summit meeting between Prime Minister Koizumi and Mr. Abbas, the President of the Palestinian Interim Self-Government Authority, that it will provide additional assistance of approximately 100 million U.S. dollars to the Palestinians for the immediate future, in addition to the 90 million U.S. dollars it already provided in the last fiscal year.

BILATERAL SECURITY COOPERATION

It is significant that Secretary of State Rice and Japanese Foreign Minister Machimura have already held 3 bilateral meetings, the most recent being on May 2 here in Washington. Among the issues discussed were the creation of a Japan-U.S. strategic dialogue led by the two ministers, increased security cooperation, North Korea and United Nations Reform. During her visit to Tokyo in March, Secretary Rice cited Japan as a model for political and economic progress in all of East Asia and praised Japan's partnership with the United States in the global war on terror.

NORTH KOREA

Japan continues to work closely with the United States on the issue of the North Korean nuclear crisis and has played an important and constructive role in the Six-Party talks. Japan supports an early resumption of these talks with an emphasis on the role of China.

WEAPONS OF MASS DESTRUCTION (WMD)

Japan is a strong supporter of the Non-Proliferation Treaty regime and has reached out to other countries, especially in Asia, to build a broader coalition against the spread of Weapons of Mass Destruction. Last fall, Japan hosted Australia, France and the United States (as well as 44 observer countries) in the first Proliferation Security Initiative (PSI) Maritime Interdiction exercise. The PSI is a global effort among governments to prevent the spread of weapons of mass destruction and other missiles. Japan again showed its commitment to the global war on terror by using its Maritime Self Defense Forces to counter proliferation in this multinational exercise.

CONCLUSION

Mr. Chairman, these initiatives by Japan are but a few examples of the growing role that Japan is playing in the maintenance of international peace and security. And it is a powerful reminder of the importance and strength of the Japan-U.S. security relationship. I believe it is therefore appropriate that the House of Representatives recognize these actions and commend the Government of Japan.

Mr. STARK. Mr. Chairman, I rise in opposition to this Defense Appropriations bill.

I cannot support legislation that throws more money at President Bush's quagmire in Iraq without the Bush Administration providing a withdrawal date or exit strategy. Even with bipartisan Congressional calls for this timetable, President Bush still has provided no such strategy.

The Administration also refuses to estimate the true costs of the war. The war has already cost $208 billion, including an additional $80.5 billion approved by Congress just this year. In fact, Congress was forced to add in another $45.3 billion for the war in Iraq in this bill, against the President's wishes. While the funding will only cover 6 months of costs, at least my colleagues across the aisle are willing to level with the American people as to the cost of the war even if the leader of their party is not.

As we all know, these additional funds are not helping the situation in Iraq. Insurgents continue to kill scores of American soldiers and Iraqi civilians and security forces. More than 1,700 young Americans and more than 20,000 Iraqi civilians have been killed. As long as the United States is in Iraq, the Iraqi insurgency will continue to have a justification to carry out their savage attacks on Iraqi security forces and American soldiers.

I also oppose provisions in this bill that continue the Republican tradition of funding wasteful weapons systems. It appropriates $7.6 billion on pie-in-the-sky Star Wars missile defense. This system has been proven to be inoperable. It seems like the real purpose of building this system is to provide corporate welfare to defense contractors rather than to protect American lives or make the world a safer place.

The bill provides additional funding to build ships that the Navy has not requested and military airplanes that are unnecessary and redundant. For instance, it adds $3.2 billion, on top of the $40 billion already used, to build 22 F/A–22 Raptors that were justified as necessary in order to compete with a new generation of Soviet fighters. Since the collapse of the Russian air force, there is no nation that has, or is planning to have, fighter jets as dominant as the ones the U.S. Air Force currently uses in combat. The recent conflicts in Iraq, Kosovo and Afghanistan have shown the superiority of current U.S. fighters to other nation's combat aircraft. Not only is there no need for the F/A–22, the GAO adds further rationale for its demise by reporting that its costs have ballooned to $1.3 billion more than budgeted for by the Air Force.

Finally, this bill wrongly encourages the development of nuclear weapons. As we fight terrorism and nuclear proliferation overseas, it is reckless to believe that more nuclear bombs at home will result in fewer bombs abroad. In fact, expanding our own nuclear capability will encourage terrorists and nations, like Iran, to build nuclear programs to match U.S. firepower, thus making them more of a threat to U.S. national security.

I cannot in good conscience vote for a bill that encourages the proliferation of nuclear weapons, continues to place our troops in harms way with no plan to bring them home and provides billions of dollars in gifts to defense contractors. I urge my colleagues to vote down this defense bill that does nothing to keep our Nation safe and, in fact, makes the world a much more dangerous place.

Mr. CRENSHAW. Mr. Chairman, I rise today to offer my support to H.R. 2863, the Fiscal Year 2006 Defense Appropriations Bill. I commend the Subcommittee Chair, my good friend, BILL YOUNG for tackling many important, yet difficult issues.

For the past few years, I have been deeply troubled by the Navy's shipbuilding budgets. Each year when the President's Budget is submitted, the number of ships procured in that year is always lower than the year before, however the amount of ships planned for the out years keeps growing and growing. For example in this year's budget, the Navy had requested 4 new ships for a total amount of $6.2 billion, but believes that they can sustain a shipbuilding budget of $17.7 billion for 12 ships in Fiscal Year 2011. As a man with an investment banking background, I can tell you that you can never rely on the certainty of the out years.

I believe this budgeting trend will continue not because the Navy needs fewer ships, but because our shipbuilding programs have become unaffordable. Unless the Navy makes some radical changes to the way they budget and account for new ship construction, our ship numbers will continue to drop. We talk about transformational technologies and weaponry everyday in Congress, we need to begin talking about transformational and innovative accounting.

According to a GAO audit published earlier this year, simple business accounting practices such as independent cost estimates and uncertainty analysis could have saved the Navy millions in cost growth from a number of shipbuilding programs, including our most expensive ship, the nuclear aircraft carrier.

This Committee on Appropriations has recognized this dangerous trend and the need for change. In addition to doubling the amount of ships procured in Fiscal Year 2006 from 4 to 8, the committee report contains strong language and direction that will hopefully stop cost overruns from draining our future ship resources.

I look forward to continuing to work with the Subcommittee Chairman to see if we, on Appropriations, can begin to transform the way this Nation builds and procures ships. We will need innovative thoughts and practices from corporate America.

I urge my colleagues to support this bill and its innovative approaches to our national defense.

Mr. MATHESON. Mr. Chairman, two long years have passed since our soldiers left for Iraq. We all have constituents serving overseas now and it's these brave men and women and their families that I keep in mind these days.

I wish that we had more people on their way home, than on their way to Iraq right now. Last week, soldiers from the Triple Deuce—a field artillery battalion headquartered in my district—left home for final training at Camp Shelby. After that they'll be sent to Iraq for the next year.

Members of the Triple Deuce include a small town mayor, a local fire chief and many ordinary citizens who—when we are not at war—make up the fabric of everyday life in Utah.

These Americans are in the infantry. They're going to serve our country in a dark corner of the Middle East and I'm very worried about them. But I do know that they have lots of loved ones and fellow Utahns back home thinking about them and praying for them.

I heard that their family and friends lined the streets of St. George today to say goodbye and I wish I could have been there too.

This is a good bill—I'm proud to support it. My vote will go towards more armor, more vehicles, better weapons, and better compensation for the countless soldiers who are serving our country.

We all want these brave Americans to return home as soon as possible. I believe that we need to accurately measure our progress in Iraq and continue taking care of our troops.

Passage of this legislation demonstrates our commitment to our brave men and women in uniform and acknowledges that they need resources in order to accomplish their mission and return home safely. It also offers support for the families when a loved one pays the ultimate sacrifice in the cause of fighting for freedom.

Mr. HOYER. Mr. Chairman, our highest duty as Members of this Congress is to ensure our national security, to protect our homeland and to defend our people.

We must use every tool in our arsenal—including military force—to capture, kill or disrupt international terrorists who are intent on striking the United States and our interests overseas. We must do whatever it takes to prevent the unthinkable—a nuclear, biological or chemical attack—from occurring on American soil. We must ensure that the American military remains the finest fighting force in the history of the world. And, we must succeed in Iraq—for the sake of our own national security, the stability of Iraq and the Middle East region, and our global standing and credibility.

This defense appropriations bill will help us accomplish most of our national security objectives, and I will vote for it. It provides $409 billion for defense functions for fiscal 2006, including $45.3 billion in so-called emergency spending for operations in Iraq and Afghanistan—bringing the total appropriation from this Congress for these two missions to $314 billion.

However, even though I support this bill, I believe it is simply Orwellian to call this new funding for Iraq and Afghanistan an ''emergency.'' Emergencies are unforeseen events that are difficult, if not impossible, to plan for. The idea that this administration cannot predict and budget for the costs of our on-going military efforts in both Iraq and Afghanistan is ludicrous.

Furthermore, this budgetary sleight of hand epitomizes this administration's failure to level with the American people on many aspects of this military action, as well as the unwillingness of this Republican Congress to fulfill its Constitutional duty to exercise real, effective oversight on the administration's policies.

We are simply not asking the tough questions that voters expect us to ask on national security. In Iraq, it is obvious that our mission is not accomplished, let alone succeeding. More than 1,700 American soldiers have lost their lives there. Americans account for 85 percent of the coalition forces in Iraq, but represent 98 percent of the casualties.

And, as Tom Friedman wrote last week in the New York Times:

> Our core problem in Iraq remains Donald Rumsfeld's disastrous decision—endorsed by President Bush—to invade Iraq on the cheap. From the day the looting started, it has been obvious that we did not have enough troops there.

Mr. Friedman added:

> Almost every problem we face in Iraq today . . . Flows from not having gone into Iraq with the Powell doctrine of overwhelming force. We cannot even secure the two miles of highway that separates the Baghdad Airport and the Green Zone.

Yet, this Congress has not conducted effective oversight on the administration's refusal to heed the advice of senior military officials, who said more troops would be needed to secure Iraq; on the costs of this action; on the incompetent post-war reconstruction effort; or, on detainee abuses in Iraq, Afghanistan and at Guantanamo.

Effective Congressional oversight need not be adversarial. I believe that every American wants our Nation to succeed in Iraq. But the truth is, this administration has failed to articulate a convincing, compelling success strategy.

And, even as I vote for this defense appropriations bill today, I believe it is imperative that this Congress embrace its legislative duty, work with this administration, and ensure that such a strategy is implemented immediately. Our troops—and the American people—deserve no less.

Finally, Mr. Chairman, I would ask that Tom Friedman's column from June 15 in the New York Times be admitted into the record of this debate.

[From the New York Times, June 15, 2005]

LET'S TALK ABOUT IRAQ

(By Thomas L. Friedman)

Ever since Iraq's remarkable election, the country has been descending deeper and deeper into violence. But no one in Washington wants to talk about it. Conservatives don't want to talk about it because, with a few exceptions, they think their job is just to applaud whatever the Bush team does. Liberals don't want to talk about Iraq because, with a few exceptions, they thought the war was wrong and deep down don't want the Bush team to succeed. As a result, Iraq is drifting sideways and the whole burden is being carried by our military. The rest of the country has gone shopping, which seems to suit Karl Rove just fine.

Well, we need to talk about Iraq. This is no time to give up—this is still winnable—but it is time to ask: What is our strategy? This question is urgent because Iraq is inching toward a dangerous tipping point—the point where the key communities begin to invest more energy in preparing their own militias for a scramble for power—when everything falls apart, rather than investing their energies in making the hard compromises within and between their communities to build a unified, democratizing Iraq.

Our core problem in Iraq remains Donald Rumsfeld's disastrous decision—endorsed by President Bush—to invade Iraq on the cheap. From the day the looting started, it has been obvious that we did not have enough troops there. We have never fully controlled the terrain. Almost every problem we face in Iraq today—the rise of ethnic militias, the weakness of the economy, the shortages of gas and electricity, the kidnappings, the flight of middle-class professionals—flows from not having gone into Iraq with the Powell Doctrine of overwhelming force.

Yes, yes, I know we are training Iraqi soldiers by the battalions, but I don't think this is the key. Who is training the insurgent-fascists? Nobody. And yet they are doing daily damage to U.S. and Iraqi forces. Training is overrated, in my book. Where you have motivated officers and soldiers, you have an army punching above its weight. Where you don't have motivated officers and soldiers, you have an army punching a clock.

Where do you get motivated officers and soldiers? That can come only from an Iraqi leader and government that are seen as representing all the country's main factions. So far the Iraqi political class has been a disappointment. The Kurds have been great. But the Sunni leaders have been shortsighted at best and malicious at worst, fantasizing that they are going to make a comeback to power through terror. As for the Shiites, their spiritual leader, Ayatollah Ali al-Sistani, has been a positive force on the religious side, but he has no political analog. No Shiite Hamid Karzai has emerged.

''We have no galvanizing figure right now,'' observed Kanan Makiya, the Iraqi historian who heads the Iraq Memory Foundation. ''Sistani's counterpart on the democratic front has not emerged. Certainly, the Americans made many mistakes, but at this stage less and less can be blamed on them. The

burden is on Iraqis. And we still have not risen to the magnitude of the opportunity before us.''

I still don't know if a self-sustaining, united and democratizing Iraq is possible. I still believe it is a vital U.S. interest to find out. But the only way to find out is to create a secure environment. It is very hard for moderate, unifying, national leaders to emerge in a cauldron of violence.

Maybe it is too late, but before we give up on Iraq, why not actually try to do it right? Double the American boots on the ground and redouble the diplomatic effort to bring in those Sunnis who want to be part of the process and fight to the death those who don't. As Stanford's Larry Diamond, author of an important new book on the Iraq war, ''Squandered Victory,'' puts it, we need ''a bold mobilizing strategy'' right now. That means the new Iraqi government, the U.S. and the U.N. teaming up to widen the political arena in Iraq, energizing the constitution-writing process and developing a communications-diplomatic strategy that puts our bloodthirsty enemies on the defensive rather than us. The Bush team has been weak in all these areas. For weeks now, we haven't even had ambassadors in Iraq, Afghanistan or Jordan.

We've already paid a huge price for the Rumsfeld Doctrine—''Just enough troops to lose.'' Calling for more troops now, I know, is the last thing anyone wants to hear. But we are fooling ourselves to think that a decent, normal, forward-looking Iraqi politics or army is going to emerge from a totally insecure environment, where you can feel safe only with your own tribe.

Mrs. TAUSCHER. Mr. Chairman, I strongly support the Defense Appropriations subcommittee's decision to provide $4 million for a conventional earth penetrator in the fiscal year 2006 Defense Appropriations bill.

Many rogue nations, unable to face the threat of our awesome firepower and precision bombs, are increasingly hiding their military assets under hard geologies, making it more difficult for us to hold them at risk and undermining our ability to protect the nation.

I believe it is vitally important that we do all we can to provide our military with the right weapons to destroy these buried targets.

This, however, does not include nuclear weapons.

Nuclear bunker busters advocated by the administration and by their allies in Congress are the dangerous fantasy of a few who are desperate to find new missions for nuclear weapons.

Using a nuclear weapon to try to destroy a buried bunker or other target would produce significant civilian casualties and radioactive fallout.

A recent National Academy of Sciences report states that a nuclear earth penetrator ''could . . . kill up to a million people or more if used in heavily populated areas.''

In addition, U.S. military personnel operating in the area would be at risk of death and injury.

The President's repeated requests for funding a robust nuclear earth penetrator undermines the United States' leadership role in nonproliferation.

We cannot credibly ask other countries to restrain their nuclear weapons programs while we aggressively advance work on new weapons.

I applaud and share Chairman YOUNG and Ranking Member MURTHA's concern with defeating hard and deeply buried targets while reducing fallout and collateral damage.

It is vital that Congress send a strong message that we reject the administration's rush to find new uses for nuclear weapons.

The appropriations committee's decision to focus taxpayer dollars on perfecting conventional means of defeating hardened targets instead of investigating nuclear option is the right thing to do.

The head of the National Nuclear Security Administration, Linton Brooks has testified that a nuclear earth penetrator would cause massive radioactive fallout and our own uniformed military does not want a nuclear device that would put at risk our own troops.

Even the Defense Science Board that advises the Pentagon recently stated that ''US interests are best served by preserving into the future the half century plus non-use of nuclear weapons.''

I agree.

Until we have exhausted all conventional mean to defeat hardened targets and there is a true military requirement for an RNEP, it would be irresponsible for Congress to rush to find new uses for what should always be a weapon of last resort.

I am pleased that the funds in this bill are only to be used to study the effectiveness of a conventional device to defeat hard and deeply buried targets.

I urge my colleagues to ensure that the language achieved by the appropriators be preserved in conference.

Mr. BLUMENAUER. Mr. Chairman, I rise in support of a provision in this bill that will help us start to get a handle on cleaning up unexploded ordnance (UXO). I want to thank Chairman YOUNG and Ranking Member MURTHA and their staff for providing an additional $10 million for the Environmental Security Technology Certification Program (ESTCP) for research and development of unexploded ordnance cleanup technology. I also want to thank my good friend from Illinois, Mr. MANZULLO, for his leadership on this issue.

The safety and environmental hazards of unexploded ordnance are a national problem. Bombs and shells that failed to explode during military training or testing may be found on or buried under the surface of more than 39 million acres of former military properties.

According to the Department of Defense, the cost of cleaning up these sites will be at least $16.3 billion, and possibly as much as $35 billion. At an annual funding level of $106 million, cleanup at the remaining munitions sites in DOD's current inventory will take at least 150 years to complete. An increase in funding for UXO research and development will allow the DOD to more quickly develop safer and cheaper technology for dealing with UXO.

The Defense Science Board (DSB) Task Force on UXO quantified the potential impact advanced technology can have to reduce these costs. They concluded that the cost of cleanup could be reduced to one-third of what we now expect through the development and application of advanced technologies for the detection of UXO. The DSB report called on the DOD to take two critical steps to reduce the costs of UXO cleanup and improve the efficiency of the current program: first, conduct a wide area assessment of possibly-contaminated land to allow for rapid transfer of uncontaminated land and, second, develop and use technologies that can differentiate between a bomb and hubcap to drastically reduce the cost of cleanup.

Congress directed the Department to conduct an initial pilot project of wide area assessment technologies in the FY 05 Defense Appropriations bill. Early results indicate that this approach shows great promise. The $10 million in this bill will allow this effort to continue and expand to test these technologies over a wider variety of contaminated sites to assess their applicability across the nation.

Addressing the UXO issue, brings many clear benefits: it will preserve the ability of our armed forces to train effectively and ensure the safety of our armed forces as new military housing is constructed on closed ranges. It will release more acreage for other uses, including private development that will generate tax revenues and free up thousands of acres for recreational uses. Finally, it will allow the development of new technologies than can be used to clean-up land mines and other ordnance that threatens our troops in Afghanistan and Iraq and innocent civilians everywhere.

I am also pleased that we are beginning to see partial funding for the war in Iraq contained within the regular budget and appropriations process, though not to the extent that it should be. I have always opposed funding for the war in Iraq because I believed it gave too much money to the wrong people to do the wrong things. I hope that we can continue to make progress on this issue and this bill takes the small step to begin doing just that.

Mr. HOLT. Mr. Chairman, I rise today to support the Department of Defense Appropriations Act for Fiscal Year 2006. This bill appropriated $408.9 billion for the Department of Defense. This included a $45.3 billion appropriation for the ongoing U.S. military operations in Afghanistan and Iraq.

I am pleased that this bill helps keep our faith to our service members by providing them with a much needed pay increase. It authorizes a 3.1 percent across-the-board pay raise for our active duty and reserve troops. This is the seventh consecutive year that Congress has provided a pay raise for our men and women in uniform. This will help to reduce the pay gap between average military and civilian pay.

I am glad that this bill does not fund the Robust Nuclear Earth Penetrator. While I understand the threat that certain underground bunkers or facilities may pose, creating these weapons would only serve to undermine our global counterproliferation goals. Moving forward with a new generation of nuclear weapons would send a simple message to Iran, North Korea and other emerging or potential nuclear-armed states: ''We want new nuclear weapons, and you should, too.'' I am glad this program has thus far been rejected and I will continue to oppose any efforts to fund it.

The bill also provides $416 million for the Cooperative Threat Reduction program, to help prevent the nuclear weapons of the former Soviet Union from falling into the hands of terrorists or others who would wish to do us harm. I am pleased that we are providing more than we did last year for this important program, but we have a lot of work remaining to do, and I regret that we did not provide more money to help secure, dismantle and eliminate WMD's and WMD facilities.

I am glad that after three years, we have finally started to fund the ongoing operation in Iraq and Afghanistan through the normal legislative process. I believe we should not be funding military operations that are foreseen

through emergency supplemental appropriations, as we have done in the past. We have soldiers in the field, and we know that we'll be continuing military operations against al Qaeda and its surrogates for the foreseeable future. The bridge funding provided for Iraq and Afghanistan in this bill recognizes this.

I am, however, concerned by some of the provisions contained within this bill.

First, I am deeply troubled that this bill again contains funding for missile defense. Under this bill, $7.6 billion would be appropriated for ballistic-missile defense programs within the Missile Defense Agency. The total includes funding for the initial deployment of a national missile-defense system based in Alaska and California. Not only has this program continually failed to work even under less-than-real-world test scenarios, but it is a dangerous system that could jeopardize our national security.

While I support providing our troops in harm's way with the best equipment possible, I am troubled by the ever increasing human toll the Iraq war is inflicting on our nation. Last week, some of my colleagues on both sides of the aisle introduced legislation calling for the withdrawal of American forces, and a clear majority of Americans understand that things are badly off track in Iraq.

Indeed, there is good reason to believe that the centerpiece of the Bush administration's exit strategy for Iraq—the program to train and equip the Iraqi security forces to take over the domestic security mission from our troops—is in grave peril.

Mr. EHLERS. Mr. Chairman, I rise to make a statement regarding the importance of investing in fundamental research at the Department of Defense. This statement would have been offered as a colloquy, but unfortunately my flight was delayed and I was unable to participate in a colloquy with the distinguished Chairman of the Subcommittee on Defense.

Scientific research and development forms the foundation of increased innovation, economic vitality and national security. In 2001, the Hart-Rudman Commission concluded that, ". . . the inadequacies of our systems of research and education pose a greater threat to U.S. national security over the next quarter century than any potential conventional war that we might imagine."

While our focus on immediate national security threats is certainly warranted, it is necessary for us also to consider longer-term threats. Basic research is essential to advances in medicine, military applications and continued economic prosperity. In fact, the development of cancer therapies, global positioning system (GPS), laser-guided missiles, and the Internet are all products of DOD fundamental research endeavors. Who could have imagined that physicists' experimentation with the atomic clock in the 1950s and 1960s would provide the foundation for a technology that allows any soldier to know his precise location no matter where he or she is on this planet? The diversity of the basic science research portfolio ensures discoveries that lay the foundation for advances in defense. As a Nation, we cannot afford to starve basic science research.

Historically, a fifth of DOD basic and applied research has been performed by universities and colleges. This year, we see a continuing disturbing trend of cutting the fundamental research budget at DOD in favor of focusing funds toward more applications-oriented research, or away from research altogether and shifting toward development. I recognize that this committee worked to restore many of the proposed cuts to these areas, and sincerely appreciate those efforts. However, we are still faced with a 4 percent reduction in our fundamental research budget at DOD. We can't expect to defend our nation twenty or fifty years from now if we focus only on the needs of today. We have to prepare for the future, and that investment takes place through university partnerships.

I hope that in the event that any additional funds may become available in the future, that the Committee and Chairman would be willing to examine the possibility of devoting such funds to the basic research budget. I believe the support in these areas must remain strong to foster new ideas generated by the unique intellectual resources of our universities and colleges.

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

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $24,357,895,000.

AMENDMENT NO. 9 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. 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. 9 offered by Ms. Jackson-Lee of Texas:

On page 2, line 15, insert after the dollar amount the following: ''(increased by $300,000,000)''.

On page 3, line 2, insert after the dollar amount the following: ''(increased by $250,000,000)''.

On page 3, line 13, insert after the dollar amount the following: ''(increased by $50,000,000)''.

On page 4, line 2, insert after the dollar amount the following: ''(increased by $250,000,000)''.

On page 4, line 15, insert after the dollar amount the following: ''(increased by $25,000,000)''.

On page 5, line 3, insert after the dollar amount the following: ''(increased by $25,000,000)''.

On page 5, line 17, insert after the dollar amount the following: ''(increased by $25,000,000)''.

On page 6, line 5, insert after the dollar amount the following: ''(increased by $25,000,000)''.

On page 6, line 19, insert after the dollar amount the following: ''(increased by $25,000,000)''.

On page 7, line 8, insert after the dollar amount the following: ''(increased by $25,000,000)''.

On page 29, line 17, insert after the dollar amount the following: ''(reduced by $2,000,000,000)''.

Mr. YOUNG of Florida. Mr. Chairman, there is some confusion on which amendment this is. I reserve a point of order.

The Acting CHAIRMAN. The point of order is reserved.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would ask the Clerk to read a portion of the amendment because we know that there is no point of order on this, so if she could read so that I can understand the gentleman has the right one.

The Acting CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk proceeded to read the amendment.

□ 1415

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN (Mr. BOOZMAN). Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me, first of all, acknowledge the gentleman from Florida (Mr. YOUNG), the chairman of the subcommittee; and the gentleman from Pennsylvania (Mr. MURTHA), ranking member, and thank them for their due diligence on behalf of the United States military. Though there have been those who have tried to divide our commitment to the personnel of the United States military, it is very clear, Mr. Chairman, that we are united as Americans, as Members of Congress, local elected officials and families and supporters on behalf of our military.

As I flew in today, I watched a number of our returning military arrive at their destination and be embraced by their family members. Besides acknowledging the love extended, I thought about the commitment that we owe to those families. And so I bring to the attention the headline in

my newspaper ''Troops' Best Gift: Family Support'' of the Sunday Chronicle, and I would say that the best gift we can give to those families is the compensation of our particular personnel.

I rise today to offer the amendment to the Defense appropriation which would increase military pay raises by an additional $1 billion overall. This amendment would have been necessary in order to better compensate our brave men and women who are fighting for our Nation. The appropriation provides an average 3.1 percent pay increase for military personnel, equal to the President's request and extends certain special pay and bonuses for reserve personnel. Our men and women in the Armed Forces deserve these pay increases, but the simple truth is that they deserve much more for the sacrifice that they are making for our Nation. This amendment would result in funds for military pay increases of $300 million for the Army, $250 million for the Navy, $50 million for Marine Corps, $250 million for Air Force, $25 million for Army Reserves, $25 million for Navy Reserves, $25 million for Marine Corps Reserves, $25 million for Air Force Reserves, $25 million for Army National Guard, and $25 million for Air Force National Guard personnel. The Congressional Budget Office has declared that this amendment not only does not increase revenues in this bill, but actually decreases outlays by $215 million.

The offset for this amendment would come from missile defense programs, which are appropriated at a staggering $7.9 billion. Missile defense systems are not new. In fact, they have been discussed for decades. The truth is that missile defense systems have proven to be overly complex, unreliable, and often been little more than a pipe dream. I believe our military personnel deserve our first priority, affection, admiration, and love. And I frankly believe we owe this to their families, the many thousands that are in Texas, reservists, National Guard, and enlisted and active duty. Why in good conscience in this time of budget constraints and increased need would we allocate even more money for these failed programs?

This amendment does not end research for the missile defense program. It simply pares it down to a more reasonable number in order to pay for the best defense system in our entire military system: our American troops.

Missile defense systems are great in theory. They were especially important during the Cold War, but now, in fact, the world has changed. In fact, the war is considered the war on terrorism. I hope we will never forget the sacrifices of our troops made on behalf of all of us. Right now there are 136,000 U.S. troops in Iraq, 34,000 soldiers in Kuwait, and 9,600 personnel in Afghanistan.

So I would ask any colleagues to consider paying tribute to these soldiers by considering an amendment in this category.

I rise today to support my amendment to this Defense Appropriation bill, which would increase military pay raises by an additional $1 billion overall. This amendment is necessary in order to better compensate our brave men and women who are fighting for our Nation abroad. This appropriation provides an average 3.1 percent pay increase for military personnel in fiscal year 2006, equal to the President's request, and extends certain special pay and bonuses for reserve personnel. Our men and women in the Armed Forces deserve these pay increases, but the simple truth is tha they deserve much more for the sacrifice they are making for our Nation abroad. This amendment would result in funds for military pay increases of $300 million for Army, $250 million for Navy, $50 million for Marine Corps, $250 million for Air Force, $25 million for Army Reserves, $25 million for Navy Reserves, $25 million for Marine Corps Reserves, $25 million for Air Force Reserves, $25 million for Army National Guard, and $25 million for Air Force National Guard personnel. The Congressional Budget Office has declared that this amendment not only does not increase revenues in this bill, but actually decreases outlays by $215 million.

The offset for this amendment would come from missile-defense programs, which are appropriated at a staggering $7.9 billion. Missile defense systems are not new; in fact they have been discussed for decades. The truth is that missile defense systems have proven to be overly complex, unreliable, and often been little more than a pipe dream. Why in good conscience, in this time of budget constraints and increased need, would we allocate even more money for these failed programs? This amendment does not end research for missile-defense programs it simply pares it down to a more reasonable number in order to pay more for the best defense system in our entire military system: our American troops. Missile-defense systems are great in theory, they were especially important during the Cold War, but now the world has changed and we need troops more than we need overly complex defense systems that may never work.

I hope we never forget the sacrifices our troops make on behalf of all of us. Right now there are 136,000 U.S. troops in Iraq, 34,000 soldiers in Kuwait, and 9,600 personnel in Afghanistan. I hear people in Washington complaining about how hot its been recently, just imagine how uncomfortable our Armed Forces feel, they have to suffer the heat under their Kevlar helmets and heavy bulletproof vests. They can't sit inside and enjoy themselves, these days they are on constant high alert because of the Iraqi insurgency. Just last week a roadside bomb blast killed five U.S. Marines who were riding in a vehicle during a combat operation near Ramadi. The facts are plain, a total of 1,713 Americans including 159 people from Texas alone have lost their lives since this war in Iraq began and more than 12,000 have been wounded in action and yet we play politics with giving them due compensation?

This amendment is about our national defense, we are only as strong as our men and women in the Armed Forces. In the end, this amendment is about shifting some money from a defense system that may never work to a group of Americans who have never stopped working for this Nation.

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

I would hope that the gentlewoman would withdraw this amendment. We have worked so hard to balance this out. And I understand her sentiments, and we appreciate that, but I would hope that we could take a look at this in conference.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as the gentleman knows, I have spoken to him about this amendment, and staff. I have reviewed what we have done in the appropriations, and I am prepared today to withdraw the amendment. I am appreciative of the fact that he is willing to work with me in conference. I think that this is a tough job, but I also know that we all believe in our personnel.

So with the commitment to be able to work with the conferees or to work through this process, I know that the commitment of the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA), I am willing and would like to be able to work with them.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would say to the gentlewoman that we are willing to work with her as we go to the conference, and in view of her willingness to withdraw the amendment, I withdraw my point of order that I reserved.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I would like to add my words of thanks and praise to the gentleman from Florida (Mr. YOUNG) for his great leadership in making our Nation's defense strong and secure and extend that praise also to the gentleman from Pennsylvania (Mr. MURTHA), who does such a wonderful job on this Defense Subcommittee.

I rise for the purpose now of engaging in a colloquy with the gentleman from Florida (Mr. YOUNG), chairman of the Defense Subcommittee of the Committee on Appropriations, regarding the penetrator study for Hard and Deeply Buried Target defeat authorized in the fiscal year 2006 National Defense Authorization bill passed by the House last month.

Mr. Chairman, during hearings and briefings in support of the fiscal year 2006 budget request, the House Committee on Armed Services heard from General Cartwright, Commander United States Strategic Command, and Secretary Rumsfeld, on the importance

of exploring all options for holding Hard and Deeply Buried Targets at risk. The United States currently does not have any viable options to put at risk many of these targets which may contain chemical, biological, nuclear, or command and control capabilities. And, very simply, the people who would pull the trigger on a military operation are typically those, the leadership people, who would go to the bunkers. And it is very important to deter those people, and sometimes that means having the ability to reach them with a deep bunker penetrator.

Both General Cartwright and Secretary Rumsfeld felt that it was important to explore all options, conventional as well as nuclear, against these targets that pose a threat to our national security.

Mr. Chairman, I strongly agree with that. As the gentleman knows, the House Committee on Armed Services mark recommended in the fiscal year 2006 National Defense Authorization bill, H.R. 1815, authorized $4 million within the Department of Defense for research into various options of penetrators that could hold Hard and Deeply Buried Targets at risk.

The fiscal year 2006 budget requested funds for only a nuclear penetrator option under the Department of Energy. In order to explore all options and specifically to include conventional in addition to nuclear options, the defense authorization bill moves this penetrator study from the Department of Energy to the Department of Defense, broadens its scope to include both the conventional and nuclear penetrator options, and authorizes $4 million for the study.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I understand that the authorizing committee intended that this penetrator study include exploring the feasibility of various options for penetrators that could hold Hard and Deeply Buried Targets at risk, and as we all know, there are many of those. As the gentleman knows, H.R. 2683 would appropriate $4 million for a study. We want to work with the gentleman from California (Chairman HUNTER), the very strong leader of the authorizing committee, and his colleagues and our colleagues to do our best to reflect the understandings and intent of the Committee on Armed Services on this matter as we move forward to conference with the Senate Appropriations Committee on this legislation.

In that regard, I pledge to continue to work closely with the gentleman from California on this issue and many others in the weeks ahead, and I thank him for clarifying the intent of the Committee on Armed Services, which he so ably chairs.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I want to thank the gentleman and thank the ranking member for their commitment to work with us on this matter and all matters of national security and we appreciate their dedication.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $19,417,696,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $7,839,813,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $20,083,037,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,862,103,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,486,061,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $472,392,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $1,225,360,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,359,704,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,028,215,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $22,432,727,000: *Provided*, That of funds made available under this heading, $2,500,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading ''Operation and Maintenance, Army'', in Public Law 107–117.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $6,003,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $28,719,818,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $3,123,766,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $28,659,373,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $18,323,516,000: *Provided*, That not more than $25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code, and of which not to exceed $40,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $500,000 shall be available for a grant for Outdoor Odyssey, Roaring Run, Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: *Provided further*, That of the funds made available under this heading, $5,000,000 is available for contractor support to coordinate a wind test demonstration project on an Air Force installation using wind turbines manufactured in the United States that are new to the United States market and to execute the renewable energy purchasing plan: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,791,212,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,178,607,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $199,929,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,465,122,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,142,875,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,547,515,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces, $20,000,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these funds only to military personnel accounts; operation and maintenance accounts within this title; procurement accounts; research, development, test and evaluation accounts; and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

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

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

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

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $415,549,000, to remain available until September 30, 2008.

AMENDMENT OFFERED BY MR. SPRATT

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

The Clerk read as follows:

Amendment offered by Mr. SPRATT:

Page 15, line 12, after the dollar amount insert the following: ''(increased by $83,900,000)''.

Page 29, line 17, after the dollar amount insert the following: ''(reduced by $83,900,000)''.

Mr. SPRATT. Mr. Chairman, before mentioning my amendment, let me also commend the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA), the chairman of the subcommittee and the ranking member. There are not two Members of the House for whom I have greater respect. This is a good bill. I intend to support it. But I have an

amendment which I think will make it a better bill.

My amendment is simple and it is straightforward. It would take $84 million in funding for missile defense that is not needed and add it to an area where it is woefully in need, to the nonproliferation of nuclear weapons and nuclear materials.

Everyone here remembers the first debate between Senator KERRY and President Bush last year. They agreed on one thing for sure, that the gravest threat facing the United States is that of terrorists armed with nuclear weapons. Our front line in the defense of this threat is variously called Cooperative Threat Reduction, nonproliferation, or Nunn-Lugar. Whatever we call it, its object is to stop, secure, and dispose of nuclear weapons and nuclear materials at the source if at all possible.

I referred to the President. Just this past February, he met with the President of the Russian Federation, and together they cited the fact that nuclear nonproliferation is a matter of compelling importance for both countries. Five years ago we appointed a bipartisan commission headed by Howard Baker and Lloyd Cutler. They came back after 1½ years of lengthy study and recommended to us that we take these accounts dealing with nonproliferation of nuclear weapons and increase them to $3 billion over the next 10 years.

□ 1430

Here is how they sized up the threat 4 years ago: ''The most urgent, unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable materials in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home.''

That was 4 years ago. And DOD's nonproliferation budget, together with the DOE budget and the State Department budget today, all together come to $1.9 billion, way short of what was recommended 4 years ago by Howard Baker and Lloyd Cutler.

The DOD program called Cooperative Threat Reduction, CTR, Nunn-Lugar, was launched in 1991 to secure, to deactivate, to dispose of weapons of mass destruction in the former Soviet Union and in other countries. Since then, it has racked up quite a scorecard. Since 1991, the CTR program has deactivated 6,564 warheads, destroyed 570 ICBMs, eliminated 543 SLBMs, retired 142 bombers, and I could go on with a host of other potentially threatening missile and nuclear components which this program has eliminated.

Despite these successes, the CTR program has been virtually flat-funded since its inception at around $400 million a year. This year, the budget request of $416 million falls $27.6 million below the level at which this program was funded on 9/11; $26 million less than 9/11.

My amendment makes a modest correction to this shortfall. It allocates an additional $84 million to Cooperative Threat Reduction to bring total funding to $500 million. It pluses up the CTR budget, allowing DOD, the Department of Defense, to do something it has urgently wanted to do: upgrade security at Russian weapons storage sites.

DOD has indicated that to get all of the upgrades needed at Russian sites, to secure nuclear weapons and nuclear components, it will need funding each year that is about $150 million more than the budget provides for the next 5 to 7 years. My amendment puts up about half of that shortfall.

We make this funding possible by an offset that I think we can all accept. My amendment reduces the Ground-Based Missile Defense budget by $84 million. Now, here is how it does it. It would do so by limiting the funding for silos at Fort Greely, Alaska, to 26 silos this year, and Vandenberg to four silos. In other words, my amendment would permit, would fund 30 ground-based GBIs and silos. The Missile Defense Agency is planning to provide 34 silos for the first 30 GBIs. The extra four silos are referred to as ''swing space,'' additional, nice to have; but this is a cost, nearly $16 million, that we can avoid per silo that we can avoid for now and spend more wisely elsewhere. So my amendment does just that. It withholds funding for these four extra swing silos and saves $63 million.

The fiscal year 2006 budget also includes $20.7 million as an advanced payment on 10 additional silos, even though the chairman's mark cuts the funding for the missiles that would actually go in these silos. My amendment, therefore, eliminates this funding at least for 2006.

If the interceptors work, 30 silos should be sufficient for defense against a rogue nation like North Korea, and 30 silos should be sufficient for now for the ground-based interceptor until testing has finally shown that it works.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment, and I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. In any event, let me suggest simply that we ask ourselves, which is a more likely threat, that we be attacked by ICBM with a return signature on it, or by some stealthy terrorist in the back of a paneled truck with some hidden device in Lower Manhattan or Los Angeles? I think the answer is obvious.

That is why I think our money is better spent putting it into nonproliferation to avoid that threat as opposed to putting more money on top of the $7.8 billion into ballistic missile defense.

Mr. MURTHA. Mr. Speaker, when I went down to Austin after the election, but before the inauguration, I said to President Bush, President-elect Bush, we should worry more about terrorism and nuclear nonproliferation than worry about missile defense.

But we worked out the best we can work out. I mean, we know they have not spent nearly the money they have, and I think the gentleman just stated that, I do not remember an exact amount, but I think it is only 1 or 2 percent of what we have already appropriated for nonproliferation.

So I would appreciate it if the gentleman would consider letting us work on it and seeing what we can do. But we are just about to the point where I do not think we can put any more money in that they will spend. If it looks like we can work out a deal where they are going to spend more money, then it would be well worth considering what the gentleman has in mind. But, as it is, I feel the same way; but we tried to work out a balance where we knew we could get a bill signed, and I think we have come pretty well where it is. But I still think we would be quite willing to work with him.

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

Mr. MURTHA. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, there is $7.8 billion provided for this program, vastly more than any other program in the budget. We are shaving it at the edges and putting it into an area where I think we would all agree there is a critical threat and a real need.

Mr. MURTHA. Mr. Chairman, reclaiming my time, what I said when I went down to Austin is exactly what I am repeating now. We have to worry about nonproliferation and terrorism and not as much about missile defense. But I am saying, and the gentleman knows the bill we put together, we have to be realistic. So I am asking the gentleman to just desist and let us see what we can work out.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

I rise in opposition to the gentleman's amendment; and I do so reluctantly, because there are some interesting points that he makes. However, the program that his amendment would add money to already has $465 million in unobligated balances from prior year appropriations, so the money really is not needed; and we fully funded the President's request, which is millions over last year.

Now, where he would take the money from, again, we have already taken money from the Missile Defense Agency. We reduced funding for the agency in this fiscal year 2006 budget. The President's budget request itself was a reduction of over $1 billion from last fiscal year, and the committee recommendation trimmed that by another $143 million.

So we brought down the money that the gentleman's amendment would take away, and we have increased over last year the money that he would add it to.

So the amendment really is not necessary, and I think the committee has

done a good job in having to very delicately balance the gives and the takes on these various accounts.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendment, and let me commend the gentleman from South Carolina (Mr. SPRATT) for his leadership in offering it, because he has been such a noted expert on this entire area, and I think that this is a step in the right direction.

As he has noted, in the very contentious Presidential debate, the two candidates agreed on one crucial thing. They agreed that the most dangerous threat facing our Nation was nuclear weapons in the hands of terrorists. Yet funding for the program to secure nuclear materials in the former Soviet Union does not reflect the magnitude of this threat.

The Department of Defense requested $415 million for the Cooperative Threat Reduction program this year, roughly the same as it was last year. The Spratt amendment would recognize we need to take this threat much more seriously by putting the resources into it that would allow us to secure more sites faster.

President Bush and President Putin have met in Bratislava; and last February, they pledged to further their cooperation on nuclear security by establishing a plan for security upgrades of nuclear facilities through and beyond 2008. Funding this amendment would help in that agreement.

The amendment does this without doing harm to our missile defense capability. The Spratt amendment will not affect the deployment of the 30 ground-based intercept missiles scheduled for 2006.

I have supported a strong ballistic missile defense system. I strongly believe that this amendment allows that capability to go forward, but I also believe that our ability to protect this Nation from terrorists wielding weapons of mass destruction is much stronger if we put all of our resources into it that we possibly can.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Spratt amendment to the defense appropriations bill.

This amendment, as he told us, will take $84 million from the missile defense program, the single largest defense program in our Nation's history, and add it to an area that we have neglected for far too long: nonproliferation.

The missile defense program has never been proven successful, but the nonproliferation programs have proven extremely successful.

In particular, we need to ramp up funds for the Cooperative Threat Reduction program, CTR. This successful nonproliferation program has succeeded at reducing the number of nuclear weapons in the states of the former Soviet Union. In November 1991, to address the massive quantity of nuclear material left over in the former Soviet Union as a result of ending the Cold War, Congress initiated Cooperative Threat Reduction, also known as the Nunn-Lugar program, which gives the Department of Defense the task of dismantling nuclear warheads, reducing nuclear stockpiles, and securing nuclear weapons and materials in the states of the former Soviet Union.

In 1991, an estimated 30,000 nuclear weapons existed throughout the former Soviet Union. These conditions raised the serious concern that nuclear materials could be smuggled beyond the borders of the former USSR. Fortunately, CTR was created to help secure these nuclear weapons. Under CTR, more than 20,000 Russian scientists, formerly tasked to create nuclear weapons, now work to dismantle them.

Since 1991, CTR has dismantled nearly 6,000 nuclear warheads, not to mention nearly 500 ballistic missiles, over 300 submarine-launched missiles, and nearly 500 missile silos. This program clearly works, and that is what we need to support it through the annual appropriations process. Unfortunately, CTR has been funded at the same level since its creation in 1991, about $400 million per year. The total amount we have spent on CTR equals around 1 year of spending on missile defense.

Unfortunately, this year's defense appropriations bill provides $27.6 million less for CTR than it did before September 11. So while the threat of nuclear terrorism has increased, our efforts to prevent it have diminished.

The smart response to this threat is to fund the peaceful Cooperative Threat Reduction, Nunn-Lugar, all the programs to reduce the world's supply of nuclear weapons, and not promote the aggressive and expensive missile defense programs which have never tested successfully. That is why I urge Members of this House to vote for the Spratt amendment which will take money out of the missile defense system and put it into the nonproliferation programs. In the long run, Americans will be far safer if Congress promotes and properly funds good nonproliferation initiatives like CTR.

I urge all of my colleagues to keep Americans and the world safe. Vote for the Spratt amendment.

Mr. SPRATT. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

There was no objection.

Mr. SPRATT. Mr. Chairman, as I understood the gentleman from Pennsylvania, my good friend (Mr. MURTHA), he is offering us a deal, namely, if we will withdraw the amendment, he will endeavor to raise nonproliferation to a level that is commensurate with the need, particularly for upgrading nuclear storage areas in the former Soviet Union. With that commitment to go to conference and try to improve the allocation within this bill for nonproliferation, with that understanding, I will withdraw my amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,879,380,000, to remain available for obligation until September 30, 2008, of which $203,500,000 shall be available for the Army National Guard and Army Reserve: *Provided*, That $75,000,000 of the funds provided in this paragraph are available only for the purpose of acquiring four (4) HH–60L medical evacuation variant Blackhawk helicopters for the C/1–159th Aviation Regiment (Army Reserve): *Provided further*, That three (3) UH–60 Blackhawk helicopters in addition to those referred to in the preceding proviso shall be available only for the C/1–159th Aviation Regiment (Army Reserve).

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,239,350,000, to remain available for obligation until September 30, 2008, of which $150,000,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-

owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,670,949,000, to remain available for obligation until September 30, 2008, of which $614,800,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,753,152,000, to remain available for obligation until September 30, 2008, of which $119,000,000 shall be available for the Army National Guard and Army Reserve.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $4,491,634,000, to remain available for obligation until September 30, 2008, of which $765,400,000 shall be available for the Army National Guard and Army Reserve.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $9,776,440,000, to remain available for obligation until September 30, 2008, of which $57,779,000 shall be available for the Navy Reserve and the Marine Corps Reserve.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $2,596,781,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $885,170,000, to remain available for obligation until September 30, 2008, of which $19,562,000 shall be available for the Navy Reserve and Marine Corps Reserve.

SHIPBUILDING AND CONVERSION, NAVY

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

Carrier Replacement Program (AP), $564,913,000;

Virginia Class Submarine, $1,637,698,000;

Virginia Class Submarine (AP), $763,786,000;

SSGN Conversion, $286,516,000;

CVN Refueling Overhauls, $1,300,000,000;

CVN Refueling Overhauls (AP), $20,000,000;

SSN Engineered Refueling Overhauls (AP), $39,524,000;

SSBN Engineered Refueling Overhauls, $230,193,000;

SSBN Engineered Refueling Overhauls (AP), $62,248,000;

DDG–51 Destroyer, $1,550,000,000;

DDG–51 Destroyer Modernization, $50,000,000;

Littoral Combat Ship, $440,000,000;

LHD–1, $197,769,000;

LPD–17, $1,344,741,000;

LHA–R (AP), $200,447,000;

Service Craft, $46,000,000;

LCAC Service Life Extension Program, $100,000,000;

Prior year shipbuilding costs, $394,523,000; and

Outfitting, post delivery, conversions, and first destination transportation, $385,000,000.

In all: $9,613,358,000, to remain available for obligation until September 30, 2010: *Provided*, That additional obligations may be incurred after September 30, 2010, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,461,196,000, to remain available for obligation until September 30, 2008, of which $43,712,000 shall be available for the Navy Reserve and Marine Corps Reserve.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,426,405,000, to remain available for obligation until September 30, 2008.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,424,298,000, to remain available for obligation until September 30, 2008, of which $380,000,000 shall be available for the Air National Guard and Air Force Reserve.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,062,949,000, to remain available for obligation until September 30, 2008.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon

prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,031,907,000, to remain available for obligation until September 30, 2008, of which $164,800,000 shall be available for the Air National Guard and Air Force Reserve.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $13,737,214,000, to remain available for obligation until September 30, 2008, of which $135,800,000 shall be available for the Air National Guard and Air Force Reserve.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $2,728,130,000, to remain available for obligation until September 30, 2008.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $28,573,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,827,174,000, to remain available for obligation until September 30, 2007.

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AMENDMENT OFFERED BY MR. KUCINICH

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

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

In title IV, under ''Research, Development, Test, and Evaluation, Army'', insert after the dollar amount the following: ''(decreased by $10,000,000) (increased by $10,000,000)''.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, before the gentleman makes his statement, I would like to advise him that we have reviewed this amendment. And since you did make a change that was agreeable to both of us, we are prepared to accept this amendment at any time that you wish.

Mr. KUCINICH. Mr. Chairman, I want to thank the gentleman from Florida (Mr. YOUNG) very much and thank the ranking member, the gentleman from Pennsylvania (Mr. MURTHA) as well, and just to say briefly that this budget neutral amendment will improve the health of veterans past, present and future, by funding research on Gulf War Illnesses.

I am proud to do so with my colleagues, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Vermont (Mr. SANDERS). I want to thank both of the cosponsors for their commitment to veterans health.

Mr. Chairman, I would include for the RECORD my entire statement, along with statements of support from veterans groups.

Mr. Chairman, this budget-neutral amendment will improve the health of veterans past, present and future by funding research on Gulf War illnesses. I am proud to do so with my colleagues, Mr. SHAYS, and Mr. SANDERS. I thank both of the cosponsors for their commitment to veterans' health.

I would also like to point out that this amendment is endorsed by the American Legion, Paralyzed Veterans of America, the National Gulf War Resource Center, Vietnam Veterans of America, and Veterans of Foreign Wars.

Mr. Chairman, fourteen years after the 1990–1991 Gulf War, between 26 and 32 percent of those who served in that war continue to suffer from serious and persistent health problems—typically multiple symptoms that include severe headaches, memory problems, muscle and joint pain, severe gastrointestinal problems, respiratory problems, skin disorders and other problems. These conditions are often called ''Gulf War illnesses'' or Gulf War syndrome.

In the early years after the war, little was understood about this problem. In fact, many attributed the problems to stress or psychological trauma incurred on the battlefield. So in the late 1990's, Congress authorized a scientific research program and created a committee to advise the VA on how to prioritize that research. That committee, the Research Advisory Committee on Gulf War Veterans' illnesses, released their report last November. It had several landmark findings.

First, they determined that the existence of these serious and often debilitating problems could not be scientifically explained by stress or psychiatric illness.

Second, they noticed that we are starting to find that the veteran's are having problems with their neurological and immunological systems. For example, ALS or Lou Gehrig's disease, which is a rapidly progressive, fatal neuromuscular disease, occurs in Persian Gulf veterans with twice the frequency of peer veterans that were not deployed.

Third, they found that there are several possible causes of these diseases. A list of potential exposures demonstrates the complexity of what we are dealing with. A short list includes chemical weapons, biological weapons, drugs to protect from biological and chemical weapons, oil-well-fire smoke, pesticides, insect repellants, individual or multiple vaccines, and many, many more.

Fourth, the Committee found that this type of research is important not only for ill veterans, but for current military personnel and for homeland security. This research can prepare us to counter or treat chemical weapons exposures and tell us whether our existing countermeasures may do long term harm.

Finally, they found that there is still no effective treatment for those suffering from Gulf War illnesses.

The result of the collective findings of the VA report is this: Significant scientific progress has been made and more research is needed.

Our amendment earmarks $10 million out of the account called Army Research, Development, Test and Evaluation. The money would go to a research program administered by the Army Medical Research and Materiel Command in the DoD, for identifying the biological mechanisms behind the illnesses—particularly the neurological and immunological ones; the chronic disease effects; better diagnostic criteria for the illnesses; and identification of treatments. The MRMC will design a research plan for that purpose, relying heavily on the expertise outside DoD and the VA. It will be subject to peer review by experts, a significant number of which will be independent of DoD.

$10 million will have a large impact on veterans who rely on the government to take care of them after they have taken care of us.

I urge my colleagues to support the Kucinich-Shays-Sanders amendment. Vote ''yes'' to restore research funding for Gulf War Illnesses.

I wish to insert letters of support from Veteran's groups into the RECORD.

THE AMERICAN LEGION,
Washington, DC, June 13, 2005

Hon. DENNIS J. KUCINICH,
U.S. House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVE KUCINICH: On behalf of the 2.8 million members of The American Legion, I would like to offer full support of your proposed amendment to the Department of Defense (DOD) Appropriations Act for FY 2006, specifically designating $15 million for research on chronic illnesses affecting thousands of veterans of the 1991 Gulf War.

More than fourteen years have passed since the end of the first Gulf War and we have failed to identify effective treatments for ill Gulf War veterans. Lack of solid research identifying causes for these illnesses has also prevented a large number of ill veterans from receiving the service-related compensation they deserve.

Historically, DOD has provided over 75 percent of the funding for Gulf war-related research. Just as there is a real opportunity for breakthroughs, as highlighted in the September 2004 report of the Department of Veterans Affairs Research Advisory Committee on Gulf War Veterans' illnesses, your colleagues plan to eliminate funding for Gulf War illness research. Clearly, DOD has more expertise in this area and is able to fund the most promising researchers. Without question, this research has major national security implications against future threats to military forces and civilians. Recently, your colleagues cut $9 million from medical and prosthetics research in the Department of

Veterans Affairs' FY 2006 appropriations—another fiscal blow to America's veterans.

Again, we appreciate your efforts on behalf of this nation's ill Gulf War veterans. Your amendment acknowledges, that while we are at war in the Middle East once again, there are still thousands of ill veterans from the first Gulf War waiting for answers, treatment, and cures—that must not be forgotten or simply ignored.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

VIETNAM VETERANS OF AMERICA,
Washington, DC, June 15, 2005.

Hon. DENNIS KUCINICH,
Longworth House Office Building,
Washington, DC.

DEAR CONGRESSMAN KUCINICH, Vietnam Veterans of America (VVA) strongly endorses your amendment to the Defense Appropriations bill which would mandate that $15 million of a $10.8 billion Army research account be dedicated to research on Gulf War illnesses.

Passage of this amendment, which we understand is being co-sponsored by Congressmen Chris Shays and Bernie Sanders, should go a long way toward identifying neurological and immunological abnormalities in many Gulf War veterans and the chronic health effects of exposure to these neurotoxic substances; and toward identifying promising treatments. Enactment of this amendment also would help fulfill one of the recommendations in the 2004 report of the VA Research Advisory Committee on Gulf War Veterans' Illnesses.

It is our collective obligation to do what we can to ease the physical and psychological burdens experienced by too many Gulf War veterans, who served our nation with honor and dignity. Additional research that might help them is long overdue.

Sincerely,

THOMAS H. COREY,
National President.

DEAR HONORABLE CONGRESSMAN DENNIS J. KUCINICH: Please let it be known to your fellow members of Congress that the Order of the Silver Rose, a 501(c)(3) Veterans Organization fully endorses the amendment that directs $15 million out of a $10.8 billion Army research account be dedicated to Gulf War illnesses research, in accordance and compliance with the VA Research Advisory Committee on Gulf War Veterans' illnesses recommendation in their 2004 report.

It is hoped that the appropriation for research on chronic illnesses affecting veterans of the 1991 Gulf War be used for a coherent research program focusing on:

(1) identification of mechanisms underlying Gulf War illnesses,

(2) chronic effects of neurotoxic substances to which veterans were exposed during deployment;

(3) studies that expand on earlier research identifying neurological and immunological abnormalities in ill Gulf War veterans;

(4) identification of promising treatments.

The primary objective of the research program will be to elucidate pathophysiological mechanisms underlying Gulf War illnesses, which may subsequently be targeted to developing treatments for these conditions. A further objective will be to identify and evaluate treatments which currently exist and which hold promise for treating these illnesses.

The U.S. Army Medical Research and Materiel Command shall, in consultation with experienced research scientists in relevant fields, establish a list of research questions to address the above topics, and design a program of specific research studies that together constitute a coherent plan to answer these questions, each identified study to be conducted by the most qualified researcher, which may include consulted scientists. As part of this process, there shall be a public solicitation of research proposals (which may include concept exploration and pilot projects) on these questions and at least twenty-five percent of the program (measured by amount funded) shall be made up of proposals selected from this solicitation, as modified if necessary to increase the value of the proposed research to the overall program. At least twenty percent of the program (measured by amount funded) shall address the objective of identifying and evaluating promising existing treatments, such as observation and pilot studies. The program shall be submitted for determination of scientific merit through independent peer review.''

Respectfully submitted,

NANCY REKOWSKI,
National Commander,
Order of the Silver Rose.

LANGUAGE FOR THE CONGRESSIONAL RECORD REGARDING THE KUCINICH-SHAYS-SANDERS AMENDMENT TO THE FY06 DEFENSE APPROPRIATIONS BILL FOR GULF WAR ILLNESSES RESEARCH FUNDING

''It is intended that the appropriation for research on chronic illnesses affecting veterans of the 1991 Gulf War be used for a coherent research program focusing on (1) identification of mechanisms underlying Gulf War illnesses, (2) chronic effects of neurotoxic substances to which veterans were exposed during deployment; (3) studies that expand on earlier research identifying neurological and immunological abnormalities in ill Gulf War veterans; and (4) identification of promising treatments. The primary objective of the research program will be to elucidate pathophysiological mechanisms underlying Gulf War illnesses, which may subsequently be targeted to developing treatments for these conditions. A further objective will be to identify and evaluate treatments which currently exist and which hold promise for treating these illnesses.

The U.S. Army Medical Research and Materiel Command shall, in consultation with experienced research scientists in relevant fields, establish a list of research questions to address the above topics, and design a program of specific research studies that together constitute a coherent plan to answer these questions, each identified study to be conducted by the most qualified researcher, which may include consulted scientists. As part of this process, there shall be a public solicitation of research proposals (which may include concept exploration and pilot projects) on these questions and at least twenty-five percent of the program (measured by amount funded) shall be made up of proposals selected from this solicitation, as modified if necessary to increase the value of the proposed research to the overall program. At least twenty percent of the program (measured by amount funded) shall address the objective of identifying and evaluating promising existing treatments, such as observation and pilot studies. The program shall be submitted for determination of scientific merit through independent peer review.''

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,481,862,000, to remain available for obligation until September 30, 2007: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $22,664,868,000, to remain available for obligation until September 30, 2007.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $19,514,530,000, to remain available for obligation until September 30, 2007.

AMENDMENT NO. 13 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Ms. JACKSON-LEE of Texas:

Page 29, line 17, after the dollar amount, insert the following: ''(reduced by $500,000,000)''.

Page 102, line 24, after the dollar amount, insert the following: ''(increased by $500,000,000)''.

Page 112, line 4, after the dollar amount, insert the following: ''(increased by $500,000,000)''.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want you to know and my colleagues to know that I am trying to engage in discussions with the ranking member, the gentleman from Pennsylvania (Mr. MURTHA) and I have mentioned this one to the chairman.

I would like to have the opportunity to discuss, in a very lucid manner, my great concern, recognizing that we have tried to fund the support system for the Iraqi nationals.

It is well known, Mr. Chairman, that a number of us are concerned about the ongoing violence in Iraq and the front line, if you will, attacks and loss of life that our brave men and women are accumulating in Iraq and, of course, Afghanistan.

USA Today recounts for us that over the weekend, a bomb killed at least 23 in Baghdad. If you talk to families around America whose young men and women and Reservists and National Guard are over in Iraq and Afghanistan, their concern, of course, is the

continued violence of the insurgents and the IEDs. Our soldiers are on the front lines.

And beyond the question of bringing our soldiers home, which the American people have gone enthusiastically on record for, recognizing the bravery of those young men and women, Reservists and National Guard, we have got to find a way to transition this war to Iraqis. In the Houston Chronicle, the headline reads: American sacrifices buying time for Iraqis.

So my amendment is simple—$500 million from the missile defense to go into the Iraqi Freedom Fund. Allow me to read this one anecdotal story, and I would ask my colleagues to listen, because I would like to work with you on this.

This is about Lieutenant Colonel Terrence Crowe, one of the highest ranked soldiers in the United States military. He was a senior U.S. military advisor to Iraqi forces, and he was ambushed while leading Iraqi soldiers on June 7.

Through the bravery of Sergeant First Class Gary Villaboso, who is now being recommended for a Silver Cross, this brave sergeant was able to drag, while fighting off alone, the Iraqi snipers, this brave wounded Lieutenant Colonel, Terrence Crowe, out of harm's way, at least to get him out.

He performed heroically in extricating the mortally wounded Crowe, while wiping out Iraqi attackers. The 17 Iraqi soldiers broke rank and fled the scene. We realize they may have been well-intentioned, but most of the 17 Iraqis in the patrol broke rank during the initial outbreak of the gunfire and faded from the street fight.

Villaboso, a fine soldier in his own right, did not want to condemn, and he said these words: He is unsure if Crowe, 44, who was hit instantly several times as the shooting began, could have survived if the Iraqis had effectively returned fire and swiftly evacuated the wounded officer.

But what he did say is, I think he would have been able to be helped, if we could have gotten him out in a few minutes instead of 15. Training, training, training and transition. This is a simple question and equation. We need to provide the resources, and I know the distinguished gentlemen have had a number of dollars that went out into the original authorization, and, of course, $500 million, I believe, that are in this particular appropriation.

But I ask my colleagues to consider, if we are going to move, we have got to move on behalf of our soldiers and provide the resources for the Iraqi nationals to serve our military personnel for Iraq.

Finally, my deepest respect and sympathy to the family of Lt. Colonel Terrence Crowe; and to Sgt. Villaboso, thank you for your commitment.

I rise today to support my Amendment to this Defense Appropriation bill, which increases funding for training the Iraqi National Army by $500 million. This Amendment would double the amount of money appropriated for training the Iraqi National Army within the Iraq Freedom Fund. In addition, it will reinforce the point that the best way to get U.S. troops out of Iraq is to train the Iraqi troops to take care of their own nation. Clearly, more money is needed to not only train these inexperienced troops to defeat the insurgency, but also to pay troops to enlist in this new army despite the obvious danger they face. At this time of increased danger for our troops, this Amendment reiterates the fact that we need to be transferring more responsibility upon the Iraqis to take care of their nation and develop a plan to remove our U.S. troops.

Just last week a roadside bomb blast killed five U.S. Marines who were riding in a vehicle during a combat operation near Ramadi. On this very same day a suicide bombing at a restaurant on an Iraqi military base killed 23 Iraqi soldiers and wounded 28 other people. Clearly, this war is not getting any easier; clearly our troops are still very much in danger. Our best solution is to train and supply the Iraqi National Army to beat back this insurgency and gain the trust of their people so that one day soon our troops can go home and the Iraqi National Army can bring peace and prosperity to Iraq. I know it sounds too simple, I but the truth is we have no other solution, that is unless you believe our U.S. troops should be in Iraq indefinitely. There is an old saying that the best offense is a good defense and the best way to maintain that posture is to have a strong Iraqi National Army supplementing the heroic effort of our troops.

The offset for this Amendment would come from missile-defense programs, which are appropriated at a staggering $17.9 billion. Missile defense systems are not new; in fact they have been talked about, researched and tested for decades. The sad truth is that missile defense systems have proven to be overly complex, unreliable, and often been little more than a pipe dream. Why in the world can't we shift a little bit of this money to train the Iraqi National Army and relieve much of the burden on our own troops? This Amendment does not end research for missile-defense programs it simply pares it down slightly to offer hope for the Iraqi people that one day soon they can rule their own nation.

The Congressional Budget Office has declared that this Amendment not only does not increase revenues in this bill, but actually decreases outlays by $30 million. Right now there are 136,000 U.S. troops in Iraq and their mission is not getting any easier. The facts are plain, a total of 1,713 Americans including 159 people from Texas alone have lost their lives since this War in Iraq began and more than 12,000 have been wounded in action. We must move to the obvious solution, that the Iraqi National Army must soon take over their own nation and provide for the protection of their people.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, we have said for the last year and a half, if you remember I said a year ago, we are not going to be able to prevail unless we get the Iraqis to take over the fighting themselves.

Now, we put $5.7 billion in. I think we are going to consider a little bit later lifting the cap on the $500 million so it can be spent. So if the gentlewoman would withdraw this amendment, we will try to work this thing out. Because it is such a delicately balanced bill, if we go through a long harangue about something we are already trying to do; in other words, we put $5.7 billion in. We have $500 million in this bill. We just remove the limitation if the gentleman from Washington (Mr. INSLEE) prevails. I think that will solve your problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman. As you well know, I hopefully will have three bites of the apple of working with you on the military pay, and, of course, I did not offer the amendment dealing with armor, and I want to thank you for the work that has been done with providing our soldiers the armor.

Let me say that this is a passionate desire of many of my constituents, as well as the military families around America. I would very much like to, I hope I will have the opportunity, to work with the gentleman from Florida (Chairman YOUNG) as well.

I would very much like to be concretely, though not a member of your august body, the Committee on Appropriations, to at least try to get a slice, if we remove the cap, to increase the dollars, because leaving our soldiers bare like this, losing the senior advisor of the Iraqi forces is really devastating.

Mr. MURTHA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. MURTHA) for yielding.

Mr. Chairman, I would just hope that we can really focus on how we align the funds as well in training these Iraqi forces.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding.

I want to say to the gentlewoman that I agree with her and the gentleman from Pennsylvania (Mr. MURTHA) that it is extremely important that we prepare the Iraqi security forces to meet their own responsibilities so that we can bring our soldiers home.

That is in the forefront of what we are doing. But, we have delicately written this bill. And we will be very happy to work with gentlewoman as we go through the whole process. But, as I said earlier, we bring a bill that is $3.3 billion less than the President requested, and less than the budget resolution provided for. So we had to balance. And we are very happy to work with the gentlewoman, because we understand the importance of getting the Iraqis ready to provide for their own security.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. MURTHA. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is clear that I have joined a number of my colleagues in asking for soldiers to come home in the fall of 2006.

But I think the priority of my amendment, or at least the focus of my amendment today is, of course, the safety and security of our troops. I welcome both gentlemen. They are men of their word. I thank you very much. I would like to be able to pursue this with staff and with the committee. And I hope that the amendment of the gentleman from Washington (Mr. INSLEE) will be accepted, that we will have the opportunity to increase those numbers, because I think we owe it to the families of Lieutenant Colonial Terrence Crowe and many others.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OPERATIONAL TEST AND EVALUATION, DEFENSE

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

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $1,154,340,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,599,459,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,355,827,000, of which $1,191,514,000 shall be for Operation and maintenance; $116,527,000 shall be for Procurement to remain available until September 30, 2008; $47,786,000 shall be for Research, development, test and evaluation to remain available until September 30, 2007; and not less than $119,300,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which $36,800,000 shall be for activities on military installations and $82,500,000 shall be to assist State and local governments.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, $906,941,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

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

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

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

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $376,844,000 of which $27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2007: *Provided*, That of the funds appropriated under this heading, $39,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2008 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2007: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

TITLE VIII

GENERAL PROVISIONS

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

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

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

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

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $4,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations

or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2006: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

UH–60/MH–60 Helicopters;

Apache Block II Conversion; and

Modernized Target Acquisition Designation Sight/Pilot Night Vision Sensor (MTADS/PNVS).

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

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

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

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

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

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

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

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

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

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

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

(B) $10,000,000; and

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

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

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

(b) EXCEPTIONS.—

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

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

(B) is planned to be converted to performance by a qualified nonprofit agency for the

blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

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

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

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

(TRANSFER OF FUNDS)

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

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8018. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9) shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding 41 U.S.C. 430, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in 25 U.S.C. 1544 or a small business owned and controlled by an individual or individuals defined under 25 U.S.C. 4221(9): *Provided further*, That businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85–536, as amended, shall have the same status as other program participants under section 602 of Public Law 100–656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8020. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

SEC. 8021. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8022. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8024. (a) Of the funds made available in this Act, not less than $33,767,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) $24,376,000 shall be available from ''Operation and Maintenance, Air Force'' to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) $8,571,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $820,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

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

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

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2006, not more than 5,537 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That this subsection shall not apply to staff years funded in the National Intelligence Program.

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

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by $40,000,000.

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term ''congressional defense committees''

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

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8029. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

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

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

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

SEC. 8030. Appropriations contained in this Act that remain available at the end of the current fiscal year, and at the end of each fiscal year hereafter, as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8031. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8032. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8033. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8034. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

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

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

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

SEC. 8035. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8036. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

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

SEC. 8037. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2007: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2007.

SEC. 8038. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8039. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8040. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

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

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

SEC. 8041. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

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

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8042. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

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

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

(c) This section does not apply to field operating agencies funded within the National Intelligence Program.

SEC. 8043. The Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the report of the Committee on Appropriations of the House of Representatives accompanying this Act, and the projects specified in such guidance shall be considered to be authorized by law.

(RESCISSIONS)

SEC. 8044. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Other Procurement, Army, 2005/2007'', $60,500,000;

''Shipbuilding and Conversion, Navy, 2005/2011'', $325,000,000;

''Aircraft Procurement, Air Force, 2005/2007'', $10,000,000;

''Other Procurement, Air Force, 2005/2007'', $3,400,000;

''Research, Development, Test and Evaluation, Army, 2005/2006'', $21,600,000;

''Research, Development, Test and Evaluation, Navy, 2005/2006'', $5,100,000;

''Research, Development, Test and Evaluation, Air Force, 2005/2006'', $142,000,000; and

''Research, Development, Test and Evaluation, Defense-Wide, 2005/2006'', $65,950,000.

SEC. 8045. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8046. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8047. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program, the Joint Military Intelligence Program, and the Tactical Intelligence and Related Activities aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8048. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

(TRANSFER OF FUNDS)

SEC. 8049. Appropriations available under the heading ''Operation and Maintenance, Defense-Wide'' for the current fiscal year and hereafter for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8050. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8051. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8052. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8053. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8054. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

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

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

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

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

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

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

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

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

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

SEC. 8055. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8056. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time

period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8057. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

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

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

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

SEC. 8058. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

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

SEC. 8059. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8060. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8061. None of the funds made available in this Act may be used to approve or license the sale of the F/A–22 advanced tactical fighter to any foreign government.

SEC. 8062. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

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

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

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

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

SEC. 8063. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

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

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

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

SEC. 8064. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8065. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8066. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8067. The Secretary of Defense shall provide a classified quarterly report to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8068. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8069. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

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

(1) During the current fiscal year, a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a system improvement of more than $1,000,000 may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller) certifies,

with respect to that milestone, that the system is being developed and managed in accordance with the Department's Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

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

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

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

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

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Global Information Grid.

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

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

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

SEC. 8070. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8071. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary-tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8072. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8073. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8074. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8075. (a) Of the amounts appropriated in this Act under the heading, ''Research, Development, Test and Evaluation, Defense-Wide'', $90,000,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government.

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

SEC. 8076. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2006.

SEC. 8077. In addition to amounts provided elsewhere in this Act, $2,500,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8078. Amounts appropriated in title II of this Act are hereby reduced by $264,630,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From ''Operation and Maintenance, Army'', $12,734,000.

(2) From ''Operation and Maintenance, Navy'', $91,725,000.

(3) From ''Operation and Maintenance, Marine Corps'', $1,870,000.

(4) From ''Operation and Maintenance, Air Force'', $158,301,000.

SEC. 8079. The total amount appropriated or otherwise made available in this Act is hereby reduced by $167,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

''Operation and Maintenance, Army'', $24,000,000;

''Operation and Maintenance, Navy'', $19,000,000;

''Operation and Maintenance, Air Force'', $74,000,000; and

''Operation and Maintenance, Defense-Wide'', $50,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. Of the amounts appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'', $77,616,000 shall be made available for the Arrow missile defense program: *Provided*, That of this amount, $15,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8081. Of the amounts appropriated in this Act under the heading ''Shipbuilding and Conversion, Navy'', $394,523,000 shall be available until September 30, 2006, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the

amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To: Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2007'':

NSSN, $28,000,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/2009'':

LPD–17 Amphibious Transport Dock Ship, $25,000,000; and

NSSN, $72,000,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2000/2009'':

LPD–17 Amphibious Transport Dock Ship, $41,800,000.

Under the heading, ''Shipbuilding and Conversion, Navy, 2001/2007'':

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

NSSN, $82,700,000.

SEC. 8082. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8083. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of 38 U.S.C. 7403(g) for occupations listed in 38 U.S.C. 7403(a)(2) as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

(B) The limitations of 38 U.S.C. 7403(g)(1)(B) shall not apply.

SEC. 8084. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 8085. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8086. The amounts appropriated in title II of this Act are hereby reduced by $250,000,000 to reflect cash balance and rate stabilization adjustments in Department of Defense Working Capital Funds, as follows:

(1) From ''Operation and Maintenance, Army'', $107,000,000.

(2) From ''Operation and Maintenance, Air Force'', $143,000,000.

SEC. 8087. (a) In addition to the amounts provided elsewhere in this Act, the amount of $6,000,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $6,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management co-operation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8088. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon and resupply vehicle program (NLOS–C) in order to field this system in fiscal year 2010, consistent with the broader plan to field the Future Combat System (FCS) in fiscal year 2010: *Provided*, That if the Army is precluded from fielding the FCS program by fiscal year 2010, then the Army shall develop the NLOS–C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS–C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: *Provided further*, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8089. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $14,400,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2006: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $4,500,000 to the Intrepid Sea-Air-Space Foundation; $1,000,000 to the Pentagon Memorial Fund, Inc.; $4,400,000 to the Center for Applied Science and Technologies at Jordan Valley Innovation Center; $1,000,000 to the Vietnam Veterans Memorial Fund for the Teach Vietnam initiative; $500,000 for the Westchester County World Trade Center Memorial; $1,000,000 for the Women in Military Service for America Memorial Foundation; and $2,000,000 to the Presidio Trust.

SEC. 8090. None of the funds appropriated in this Act under the heading ''Overseas Contingency Operations Transfer Account'' may be transferred or obligated for Department of Defense expenses not directly related to the conduct of overseas contingencies: *Provided*, That the Secretary of Defense shall submit a report no later than 30 days after the end of each fiscal quarter to the Committees on Appropriations of the Senate and House of Representatives that details any transfer of funds from the ''Overseas Contingency Operations Transfer Account'': *Provided further*, That the report shall explain any transfer for the maintenance of real property, pay of civilian personnel, base operations support, and weapon, vehicle or equipment maintenance.

SEC. 8091. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8092. The budget of the President for fiscal year 2007 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8093. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8094. Of the amounts provided in title II of this Act under the heading, ''Operation and Maintenance, Defense-Wide'', $20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8095. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8096. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8097. (a) From within amounts made available in title II of this Act under the heading ''Operation and Maintenance, Army'' $4,500,000 is only for an additional amount for the project for which funds were appropriated in section 8103 of Public Law 106–79, for the same purposes, which shall remain available until expended: *Provided*, That no funds in this or any other Act, nor non-appropriated funds, may be used to operate recreational facilities (such as the officers club, golf course, or bowling alleys) at Ft. Irwin, California, if such facilities provide services to Army officers of the grade O–7 or higher, until such time as the project in the previous proviso has been fully completed.

(b) From within amounts made available in title II of this Act under the heading ''Operation and Maintenance, Marine Corps'', the Secretary of the Navy shall make a grant in the amount of $2,000,000, notwithstanding any other provision of law, to the City of Twentynine Palms, California, for the widening of off-base Adobe Road, which is used by members of the Marine Corps stationed at the Marine Corps Air Ground Task Force Training Center, Twentynine Palms, California, and their dependents, and for construction of pedestrian and bike lanes for the road, to provide for the safety of the Marines stationed at the installation.

SEC. 8098. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code,

each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8099. The Secretary of the Navy may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the funding transferred shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committee on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8100. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by $147,000,000 to limit excessive growth in the travel and transportation of persons.

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

SEC. 8101. Of the funds appropriated or otherwise made available in this Act, a reduction of $176,500,000 is hereby taken from title III, Procurement, from the following accounts in the specified amounts:

''Missile Procurement, Army'', $9,000,000;

''Other Procurement, Army'', $112,500,000; and

''Procurement, Marine Corps'', $55,000,000:

Provided: That within 30 days of enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall provide a report to the House Committee on Appropriations and the Senate Committee on Appropriations which describes the application of these reductions to programs, projects or activities within these accounts.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8102. (a) THREE-YEAR EXTENSION.—During the current fiscal year and each of fiscal years 2007 and 2008, the Secretary of Defense may transfer not more than $20,000,000 of unobligated balances remaining in the expiring RDT&E, Army, appropriation account to a current Research, Development, Test and Evaluation, Army, appropriation account to be used only for the continuation of the Army Venture Capital Fund demonstration.

(b) EXPIRING RDT&E, ARMY, ACCOUNT.—For purposes of this section, for any fiscal year, the expiring RDT&E, Army, account is the Research, Development, Test and Evaluation, Army, appropriation account that is then in its last fiscal year of availability for obligation before the account closes under section 1552 of title 31, United States Code.

(c) ARMY VENTURE CAPITAL FUND DEMONSTRATION.—For purposes of this section, the Army Venture Capital Fund demonstration is the program for which funds were initially provided in section 8150 of the Department of Defense Appropriations Act, 2002 (division A of Public Law 107–117; 115 Stat. 2281), as extended and revised in section 8105 of Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1562).

(d) ADMINISTRATIVE PROVISIONS.—The provisos in section 8105 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1562), shall apply with respect to amounts transferred under this section in the same manner as to amounts transferred under that section.

TITLE IX—ADDITIONAL APPROPRIATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $5,877,400,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $282,000,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $667,800,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $982,800,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $138,755,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $67,000,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $20,398,450,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $1,907,800,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $1,827,150,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $3,559,900,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $826,000,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Iraq Freedom Fund'', $3,500,000,000, to remain available for transfer until September 30, 2007, only to support operations in Iraq or Afghanistan and classified activities: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: *Provided further*, That of the amounts provided under this heading, not less than $2,500,000,000 shall be for classified programs, which shall be in addition to amounts provided for elsewhere in this Act: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: *Provided further*, That the

amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $35,700,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $23,950,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $159,500,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $455,427,000, to remain available until September 30, 2008: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $13,900,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $1,501,270,000, to remain available until September 30, 2008: *Provided,* That of the amount provided in this paragraph, not less than $200,370,000 shall be available only for the Army Reserve: *Provided further,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $81,696,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $144,721,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $48,800,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $389,900,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $115,300,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,400,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $103,900,000, to remain available until September 30, 2008: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $13,100,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $75,000,000, to remain available until September 30, 2007: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $2,055,000,000: *Provided,* That the amount provided under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS, TITLE IX

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

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

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $2,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act: *Provided further*, That the amounts transferred under the authority of this section are designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 9004. Funds appropriated in this title, or made available by the transfer of funds in or pursuant to this title, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

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

SEC. 9006. Notwithstanding any other provision of law, from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $500,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to military or security forces of Iraq and Afghanistan to enhance their capability to combat terrorism and to support U.S. military operations in Iraq and Afghanistan: *Provided*, That such assistance may include the provision of

equipment, supplies, services, training, and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate not less than 15 days before providing assistance under the authority of this section.

□ 1500

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 112, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

Mr. KUCINICH. Mr. Chairman, reserving the right to object, we are in title 8 right now; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. KUCINICH. I had an amendment, Mr. Chairman, at the desk I believe under title 8. I just wanted to make sure that that will not be lost in this UC.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, we are not aware of that amendment. We do not have a copy. We are not aware that the gentleman has an amendment. We can change our request if he would provide us with a copy of the amendment.

Mr. KUCINICH. Mr. Chairman, I just wanted to make sure that there is the amendment at the desk regarding space-based weapons under title 8.

Mr. Chairman, I have just been informed by the Parliamentarian that if the UC goes through, I can still seek recognition, so I will withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

AMENDMENT OFFERED BY MR. INSLEE

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

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

Page 112, beginning on line 2, strike ''from funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $500,000,000 may be used'' and insert ''funds made available in this title to the Department of Defense for operation and maintenance may be used''.

Mr. INSLEE. Mr. Chairman, this amendment is very simple. It lists the cap that is presently written into the bill to limit the amount of money that we would commit to the training and equipping of the Iraqi securities forces, to limit that to $500 million.

I hope that we are united in the belief that the way to bring our troops home is to fulfill the training and equipping of the Iraqi security forces so that they can become responsible for Iraq's destiny and our troops can coming home in dignity and as quickly as possible.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would like to suggest to the gentleman that we think this is a good amendment, and it certainly is consistent with the conversation that the gentleman from Pennsylvania (Mr. MURTHA) and I have both had with the gentlewoman from Texas (Ms. JACKSON-LEE), and we are prepared to accept the gentleman's amendment.

Mr. INSLEE. Mr. Chairman, I thank the gentleman for his interest and leadership.

Mr. Chairman, I will close briefly by saying this is an important amendment. I appreciate the Chair's acceptance of it. We hope that the administration does listen to the voices in Congress that are basically saying if we can train one more trainer one day earlier, we should do so; if we can provide one more piece of equipment for the Iraqi security forces one day earlier, we should do so; if we can employ one more interpreter so that these folks can be trained earlier, we should do so. This amendment will hasten that. I hope the administration will bear heed on that, and that General Patrais is successful.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to support my colleague Mr. INSLEE's amendment to this Defense Appropriation bill, which lifts the $500 million cap on funds within the Iraq Freedom Fund for training the Iraqi National Army. Earlier in this debate I offered and withdrew an amendment that would have increased funding for training the Iraqi National Army by an additional $500 million. This Amendment would have doubled the amount of money appropriated for training the Iraqi National Army within the Iraq Freedom Fund. If Mr. INSLEE's amendment is accepted into this Appropriation, I will work with Chairman YOUNG and Ranking Member MURTHA to insure that additional funds are appropriated for training the Iraqi National Army.

The Inslee amendment reinforces the point that the best way to get U.S. troops out of Iraq is to train the Iraqi troops to take care of their own nation. Clearly, more money is needed to not only train these inexperienced troops to defeat the insurgency, but also to pay troops to enlist in this new army despite the obvious danger they face. At this time of danger for our troops, this Amendment reiterates the fact that we need to be transferring more responsiblity upon the Iraqis to take care of their nation and develop a plan to remove our U.S. troops.

Just last week a roadside bomb blast killed five U.S. Marines who were riding in a vehicle during a combat operation near Ramadi. On this very same day a suicide bombing at a restaurant on an Iraqi military base killed 23 Iraqi soldiers and wounded 28 other people. Clearly, this war is not getting any easier; clearly our troops are still very much in danger. Our best solution is to train and supply the Iraqi National Army to beat back this insurgency and gain the trust of their people so that one day soon our troops can go home and the Iraqi National Army can bring peace and prosperity to Iraq. I know it sounds too simple, but the truth is we have no other solution, that is unless you believe our U.S. troops should be in Iraq indefinitely. There is an old saying that the best offense is a good defense and the best way to maintain that posture is to have a strong Iraqi National Army supplementing the heroic effort of our troops.

Right now there are 136,000 U.S. troops in Iraq and their mission is not getting any easier. The facts are plain, a total of 1,713 Americans including 159 people from Texas alone have lost their lives since this War in Iraq began and more than 12,000 have been wounded in action. We must move to the obvious solution, that the Iraqi National Army must soon take over their own nation and provide for the protection of their people. Therefore, I reiterate my strong support for the Inslee Amendment and the appropriation of additional funding to train the Iraqi National Army. Our troops should be able to return home with an exit strategy of success.

The CHAIRMAN. The question on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

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

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 99, after line 4, insert the following new section:

SEC. 8103. (a) SHORT TITLE.—This section may be cited as the ''Space Preservation Act of 2005''.

(b) REAFFIRMATION OF POLICY ON THE PRESERVATION OF PEACE IN SPACE.—Congress reaffirms the policy expressed in section 102(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(a)), stating that it ''is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.''.

(c) BAN ON BASING OF WEAPONS IN SPACE AND THE USE OF WEAPONS AGAINST OBJECTS IN SPACE IN ORBIT.—The President shall—

(1) implement a ban on space-based weapons of the United States and the use of weapons of the United States to destroy or damage objects in space that are in orbit; and

(2) immediately order the termination of research and development, testing, manufacturing, production, and deployment of all space-based weapons of the United States.

(d) INTERNATIONAL TREATY BANNING SPACE-BASED WEAPONS AND THE USE OF WEAPONS AGAINST OBJECTS IN SPACE IN ORBIT.—The President shall direct the United States representatives to the United Nations and other international organizations to immediately work toward negotiating, adopting, and implementing an international treaty banning space-based weapons and the use of weapons to destroy or damage objects in space that are in orbit.

(e) REPORT.—The President shall submit to Congress not later than 90 days after the date of the enactment of this Act, and every 6 months thereafter, a report on—

(1) the implementation of the ban on space-based weapons and the use of weapons to destroy or damage objects in space that are in orbit required by subsection (c); and

(2) progress toward negotiating, adopting, and implementing the treaty described in subsection (d).

(f) SPACE-BASED NONWEAPONS ACTIVITIES.—Nothing in this section may be construed as prohibiting the use of funds for—

(1) space exploration;
(2) space research and development;
(3) testing, manufacturing, or production that is not related to space-based weapons or systems; or
(4) civil, commercial, or defense activities (including communications, navigation, surveillance, reconnaissance, early warning, or remote sensing) that are not related to space-based weapons or systems.
(g) DEFINITIONS.—In this section:
(1) The term ''space'' means all space extending upward from an altitude greater than 110 kilometers above the surface of the earth and any celestial body in such space.
(2) The terms ''space-based weapon'' and ''space-based system'' mean a device capable of damaging or destroying an object or person (whether in outer space, in the atmosphere, or on Earth) by—
(A) firing one or more projectiles to collide with that object or person;
(B) detonating one or more explosive devices in close proximity to that object or person; or
(C) any other undeveloped means.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

Mr. KUCINICH. Mr. Chairman, this amendment to the defense appropriations bill would make a policy statement regarding the preservation of peace in space. It would ban the research, testing, development, and deployment of space-based weapons. It would ban the targeting of objects in orbit in space, that is, satellites, by any weapon, whether land, sea, air or space-based and would call on the President to negotiate an international treaty banning space-based weapons.

The policy of preserving peace in space was first established by law in 1958 with the National Aeronautics and Space Act. Specifically, this law stated: ''It is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.''

Yet despite any amendment to law or consideration by Congress, this policy has changed significantly behind closed doors. The Air Force is moving forward with a plan to weaponize space. At an Air Force conference last September, Air Force General Lance Lord, who leads the Air Force Space Command, said, ''Space superiority is not our birthright, but it is our destiny. Space superiority is our day-to-day mission. Space supremacy is our vision for the future.''

With little public debate, the Pentagon has already spent billions of dollars through appropriations bills such as this one to developing space weapons and preparing plans to deploy them. The Air Force has recently sought President Bush's approval of a national security directive that could move the United States closer to fielding offensive and defensive space weapons. This new policy would be opposed by our friends and our potential enemies.

Our largest possible adversaries, China and Russia, have agreed for a global ban on space weapons. Yet moving forward with plans to weaponize space would most certainly create an arms race in space, and it would certainly be counterproductive to the national security of the United States to give potential adversaries reason to accelerate development of space weapons technology.

Again, I ask this Congress to remember that in 1958 when the National Aeronautics and Space Act was passed, it stated that: ''It is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind.''

That was a good act in 1958, and it would be good for this Congress to preserve that policy, and that is the intention of this amendment.

At this point, understanding the rules, I will concede to the gentleman from Florida the point of order that he raised.

Mr. SHAYS. Mr. Chairman, the Committee on Government Reform Subcommittee on National Security, which I chair, has held 17 hearings on Gulf War veterans' illnesses. Over the last decade, we've followed the hard path traveled by sick Gulf War veterans as they bore the burdens of their physical illnesses and the mental anguish caused by official skepticism and intransigence.

It was their determination that overcame entrenched indifference and bureaucratic inertia. Their persistence, and a home video of chemical weapons munitions being blown up at Khamisiyah eventually persuaded the Departments of Defense and VA that post-war illnesses are linked to wartime exposures.

But characterizing the subtle linkage between low-level toxic assaults and varied chronic health consequences remains a complex research challenge. The objective markers of physiological damage are only now coming into view using techiques and technologies not available ten years ago, when some were so willing to conclude Gulf War veterans' illnesses were nothing more than stress. But promising research hypotheses and treatment concepts still face institutional obstacles to federal support as both funding and momentum behind Gulf War illnesses research have been waning.

This amendment allows us to capture the emerging breakthroughs purchased with $315 million in DOD and VA research investments over the past decade. This would build on last year's appropriation of $3.7 million for extramural, peer-reiewed research to address the chronic illnesses affecting veterans of the 1991 Gulf War. The research focuses on the chronic effects of neurotoxic exposures, underlying mechanisms, identified neurological abnormalities, and the identification of treatments.

The battlefield is a dangerous and toxic workplace. The veterans of the 1991 war, those on the field of battle today and those we deploy in the future will benefit from this research into the diagnosis and treatment of the health consequnces of toxic exposures.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, on my reservation, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, it violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriations bill shall not be in order if changing existing law.''

The amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. KUCINICH. Mr. Chairman, I thank the gentleman. I will concede the point of order, and I thank the gentleman and the ranking member for this opportunity to make this statement regarding my concern about peaceful uses in space.

The CHAIRMAN. The gentleman from Ohio (Mr. KUCINICH) concedes the point of order.

The point of order is sustained.

Are there any other amendments to this portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 9007. (a) FISCAL YEAR 2006 AUTHORITY.—During the current fiscal year, from funds made available to the Department of Defense for operation and maintenance pursuant to title IX, not to exceed $500,000,000 may be used by the Secretary of Defense to provide funds—

(1) for the Commanders' Emergency Response Program established by the Administrator of the Coalition Provisional Authority for the purpose of enabling United States military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people; and

(2) for a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes stated in subsection (a).

(c) LIMITATION ON USE OF FUNDS.—Funds authorized for the Commanders' Emergency Response Program by this section may not be used to provide goods, services, or funds to national armies, national guard forces, border security forces, civil defense forces, infrastucture protection forces, highway patrol units, police, special police, or intelligence or other security forces.

(d) SECRETARY OF DEFENSE GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue to the commander of the United States Central Command detailed guidance concerning the types of activities for which United States military commanders in Iraq may use funds under the Commanders' Emergency Response Program to respond to urgent relief and reconstruction requirements and the terms under which such funds may be expended. The Secretary shall simultaneously provide a copy of that guidance to the congressional defense committees.

SEC. 9008. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9009. Congress, consistent with international and United States law, reaffirms that torture of prisoners of war and detainees is illegal and does not reflect the policies of the United States Government or the values of the people of the United States.

SEC. 9010. The reporting requirements of section 9010 of Public Law 108–287 regarding the military operations of the Armed Forces and the reconstruction activities of the Department of Defense in Iraq and Afghanistan shall apply to the funds appropriated in this Act.

SEC. 9011. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom.

SEC. 9012. SENSE OF CONGRESS AND REPORT CONCERNING INAPPROPRIATE PROSELYTIZING OF UNITED STATES AIR FORCE ACADEMY CADETS.—

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the expression of personal religious faith is welcome in the United States military, but coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain-of-command at the Academy, as has been reported is inconsistent with the professionalism and standards required of those who serve at the Academy;

(2) the military must be a place of tolerance for all faiths and backgrounds; and

(3) the Secretary of the Air Force and other appropriate civilian authorities, and the Chief of Staff of the Air Force and other appropriate military authorities, must continue to undertake corrective action, as appropriate, to address and remedy the inappropriate proselytizing of cadets at the Air Force Academy.

(b) REPORT ON PLAN.—

(1) PLAN.—The Secretary of the Air Force shall develop a plan to ensure that the Air Force Academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain-of-command at the Air Force Academy. The Secretary shall work with experts and other recognized notable persons in the area of pastoral care and religious tolerance to develop the plan.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report providing the plan developed pursuant to paragraph (1). The Secretary shall include in the report information on the circumstances surrounding the removal of Air Force Captain Melinda Morton from her position at the Air Force Academy on May 4, 2005.

AMENDMENT OFFERED BY MR. HUNTER

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

The Clerk read as follows:

Amendment offered by Mr. HUNTER:

Strike section 9012 (page 115, line 14, through page 117, line 5) and insert the following:

SEC. 9012. SENSE OF CONGRESS AND REPORT CONCERNING RELIGIOUS FREEDOM AND TOLERANCE AT UNITED STATES AIR FORCE ACADEMY.—

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the expression of personal religious faith is welcome in the United States military;

(2) the military must be a place where there is freedom for religious expression for all faiths; and

(3) the Secretary of the Air Force and the Department of Defense Inspector General have undertaken several reviews of the issues of religious tolerance at the Air Force Academy.

(b) REPORT.—

(1) RECOMMENDATIONS.—The Secretary of the Air Force, based upon the reviews referred in subsection (a)(3), shall develop recommendations to maintain a positive climate of religious freedom and tolerance at the United States Air Force Academy.

(2) SECRETARY OF AIR FORCE REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report providing the recommendations developed pursuant to paragraph (1).

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

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, I am opposed to section 9012 as it is currently written and a number of other members of the Committee on Armed Services are opposed to them as well, and you will hear from them in the ensuing minutes here.

We were informed that we had the right to assert that this was, in fact, authorizing on an appropriations bill and to ask the Committee on Rules, which we initially did, to not protect this provision and allow it to be stricken. But I was informed by the chairman of the full committee that this was an important issue for members of the minority on the Committee on Appropriations, and they wanted to have a discussion. And our Members agreed with that. So I think we will have a full discussion of this issue.

Mr. Chairman, my amendment will require the Defense Department to provide Congress with recommendations on maintaining a climate of religious freedom and tolerance at the Air Force Academy. The amendment also expresses a sense of Congress that personal expressions of faith, that is, all faiths, are welcome in the United States military.

My objection to section 9012 is that the section concludes based on newspaper accounts that officers assigned to duty at the U.S. Air Force Academy and others in the chain of command are engaged in ''abusive and coercive religious proselytizing'' based on reports.

□ 1515

Mr. Chairman, Members may have read press accounts regarding issues of religious freedom and tolerance at the Air Force Academy.

What may not be known is that many of the allegations reported by the press were first discovered by the air force through internal surveys. In response, the Academy superintendent has been quite open that there have been instances where respect for others has been lacking. He also suggested that Academy practices and processes may also have contributed to the appearance of a lack of respect for members of minority religious traditions.

Overall, the Air Force has taken aggressive action on these important issues of religious freedom and tolerant at the Academy, and the Secretary to the Air Force detailed those actions to me in a June 7 letter which I would like to submit for the RECORD at this point.

SECRETARY OF THE AIR FORCE,
Washington, DC, June 7, 2005.

Hon. DUNCAN HUNTER,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The media contains a steady flow of stories decrying religious intolerance at the United States Air Force Academy (USAFA). In late Spring 2004, the Superintendent of the Academy, Lt Gen John Rosa, detected religious tolerance concerns through surveys he initiated. He subsequently brought the issue—and the corrective measures he was taking—to the attention of the Academy's Board of Visitors and the Air Force leadership. Together, we have been addressing the issue openly for the past several months.

As of today, the Academy's Board of Visitors has looked at this situation during three separate meetings. They will do so again this summer. In addition to the Board's inquiries, I have deployed four separate teams from the Pentagon to address one or another aspect of the Academy climate for religious tolerance. The first team, led by the Deputy Assistant Secretary for Equal Opportunity, visited the Academy last fall and assisted Lt Gen Rosa in scoping the problem and designing a campaign to correct the situation. The second visited USAFA last month and is led by Deputy Chief of Staff for Personnel, Lt Gen Roger Brady. This team is in the final stages of assessment of the Academy climate, leadership practices, and the corrective actions that should be initiated. Specific allegations of improper conduct against the Commandant of Cadets, Brig Gen John Weida, are being separately examined by the Office of the Air Force Inspector General. Last week, the DoD Inspector General began—at my request—an inquiry to determine whether Air Force reassignment of Chaplain (Capt) Melinda Morton was handled properly. Please note that the visit to the Academy in July 2004 by a group of Yale Divinity School students and an Associate Professor of Counseling was not part of our assessment or corrective measures, and did not focus on the religious tolerance issue. Nevertheless, we have reviewed and considered the submission of that group in connection with our on-going reviews. Finally, this week, a group from the National Conference on Ministry to the Armed Forces (NCMAF) is also visiting USAFA at my request to provide an external look by a private organization of religious leaders who understand the military in a pluralistic society, and who represent their faith group communities to the military.

Thus far, results indicate—and the Academy Superintendent continues to openly acknowledge—there have been instances where

respect has been lacking. Academy practices and processes may also have contributed to the appearance of a lack of respect for members of minority religious traditions. The multiple reviews I have asked for, together with aggressive leadership action, will help us correct Academy climate and culture.

Recently, the Air Force Chief of Staff, General John Jumper, in a written communication, reminded all Air Force commanders of their responsibilities for establishing a climate and culture that promotes respect for individual beliefs. This message reemphasized the importance of respect and its role as the foundation of our core values. In constructing his message, General Jumper used the lessons we have already learned from our work with the Academy leadership team. As our work at USAFA progresses, we will continue to incorporate lessons learned into actions that will help us reinforce the culture of respect throughout the Air Force.

Air Force and Academy leadership are deeply engaged in the question of respect for individual beliefs. As this work progresses, our work—and critics of that work—will generate news stories. I ask that you reserve your opinions on this matter until I can get to ground truth through the objective processes now on going. The Inspectors General and Lt Gen Brady's team, including consideration of the NCMAF external assessment, will report back to me within the next few weeks. These results will provide a factual basis for deciding what further actions may need to be taken. Completing these reviews quickly and consulting with the Secretary of Defense, Congress and the Academy Board of Visitors regarding next steps is my highest priority.

Sincerely,

MICHAEL L. DOMINGUEZ,
Acting Secretary of the Air Force.

Mr. HUNTER. Based on cadet surveys administered in late spring 2004 suggesting religious tolerance concerns, the Air Force Academy superintendent took a number of corrective actions, including a training and education program for cadets and faculty to develop respect for the diversity of faiths represented at the Academy.

He brought the issues to the attention of the Academy's Board of Visitors, and accordingly, the Air Force leadership continues to work with the board to address these issues.

He sent a team led by the Deputy Assistant Secretary for equal opportunity to the Academy in the fall of 2004 to design a campaign to assist Academy leadership in addressing the issues.

Last month, the Air Force deputy chief of staff took another team to the Academy to assess Academy climate, leadership practices and corrective actions that should be taken.

The facts are, and I could go down through the office of the Inspector General, DOD Inspector General, at the request of the Secretary of the Air Force, is conducting a review of the reassignment of Academy chaplain, Captain Melinda Morton.

A group from the National Conference on Ministry to the Armed Forces visited the Academy last week to provide an external look by a private organization of religious leaders, and Mr. Chairman, I could go on and on.

My point is this, there are a number of reviews that are ongoing right now at the Academy, and in this letter that Acting Secretary of the Air Force, Secretary Michael Dominguez, sent to me, I think the crux of our amendment is laid out and I think justifies. He talks about the work that is ongoing to make sure that the Academy has religious freedom and religious tolerance. He says, As this work progresses, and I am quoting the Secretary, our work and critics of that work will generate news stories. It was a news story that generated this base provision that is in the bill. I ask that you reserve your opinions on this matter until I can get to ground truth through the objective processes now ongoing.

That is what he asks for. He has got lots of reviews, and what we say is, we reestablish, revalidate that there should be both freedom of religion and religious tolerance, and we set a date for a report to come back after the reviews are done, for the Secretary of the Air Force to report back to us with the reviews and with recommendations.

Lastly, Mr. Chairman, I cannot forget the last time we landed in Bailad, Iraq, and I was with the gentleman from Texas (Mr. REYES), and we had a couple of mortar rounds come into the base. The CO said, Quick, get into this building, and we hustled into the nearest building. It turned out to be 400 GIs who were undertaking a religious service. I do not know if it was official or unofficial. I do know they had quite a service going, and we, Congressmen, were forced to actually go to church I guess because those mortar rounds were coming in. We could not leave until it was over.

The word ''proselytizing'' could possibly be applied to what they were doing in that battleground in Iraq. I have always thought that when I argue religion I am making reasoned judgments and the other guy is proselytizing, and the problem is with that word. With establishing that as a standard, that people in uniform have to adhere to, the average person in uniform is going to say, what does proselytizing mean? Am I proselytizing, and if they are not sure whether or not their statement is proselytizing, you know what they are going to do? They are not going to say anything, and we are going to put a chill on what we have heretofore for our entire history welcomed, and that is, expression of religious views by our uniformed personnel.

I would hope that Members and the gentleman from Wisconsin (Mr. OBEY) in the spirit of this debate would accept this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the language of the committee amendment does nothing whatsoever to discourage proselytizing. What it does is make clear that the Congress of the United States is opposed to coercive and abusive proselytizing. I think it would be good to go back and look at the history of this problem.

The LA Times broke the story about disrespectful treatment of cadets based on religious affiliation on April 20. On June 3, Lieutenant General John Rosa, who is the superintendent of the Academy, in a speech to the Anti-Defamation League, acknowledged that the Academy has a problem with religious intolerance. He called it insidious and said it could take 6 years to fix.

He described two Academy-wide e-mails that were sent out by another high-ranking officer, which he described as ''inappropriate.'' He described other later events that involved religious pressures and said, ''They were wrong.''

Academy officials have said that they have received 55 complaints from cadets on this problem. Academy spokesman John Whitaker said, ''There have been cases of maliciousness, mean-spiritedness and attacking or baiting someone over religion.''

No one is objecting to anyone trying to talk about religion. What they are objecting to is the malicious and mean-spirited attacking of other people for the religious views that they do or do not hold.

The Air Force officials said they got an inkling of the problem after reading the results of a student survey last May. Many cadets expressed concern over the lack of religious respect and tolerance. This comes on top of revelations 2 years ago of a scandal when dozens of female cadets said that their complaints about sexual assaults were ignored.

Mr. Whitaker, the spokesman for the Academy, forthrightly said that it was insensitivity and ignorance on the part of people who are, ''going into a diverse Air Force where they are going to have to deal with people of all faiths.''

Mickey Weinstein, a father of one of the cadets, who himself was a lawyer and an Academy graduate, described the harassment that his son had undergone and said, ''I love the Academy, but do you know how much courage it took for these cadets to come forward?''

Another person who did not want to be identified because of fear of retaliation said, ''Cadets are given the impression they must embrace the beliefs of their commanders in order to succeed at the Academy.''

Chaplain Melinda Morton described the problem as systemic, and she said that she had spoken up about the problem because, ''It is in the Constitution, it is not just a nice rule that you can follow or not follow.'' Then she said, ''I realize this is the end of my Air Force Academy career.''

My problem with the amendment that is being proposed by the gentleman is not what it says. My problem with the gentleman's amendment is what it takes out of the original committee language.

It removes the language that puts the Congress foresquare in the position of saying that coercive and abusive religious proselytizing at the Academy is

over the line and is inconsistent with professional standards required of those who serve at the Academy.

It eliminates the requirements for corrective action by the Academy in the Air Force.

Thirdly, it removes the requirement for a plan to develop an atmosphere that is free of religious coercion at the Academy.

Fourth, it removes the requirement in the committee language which asks for an investigation and a report by the Air Force on the circumstances surrounding the dismissal of Chaplain Melinda Morton, who is the person who blew the whistle on this in the first place.

I do not think the Congress wants to go on record as taking out all of that language, which is what the gentleman's amendment would do.

Mr. TIAHRT. Mr. Chairman, I rise in strong support of Chairman HUNTER's amendment upholding religious freedom at the United States Air Force Academy. Protecting the religious freedom of our military cadets and service members is critically important to me, and should be critically important to this Congress.

During full committee consideration of the Defense Appropriations bill, Ranking Member OBEY inserted a provision condemning the Air Force, the Air Force Academy and its Cadets. The allegations on which this provision is based have not been substantiated by any credible source. They are simply rumors advanced by a very few disgruntled individuals.

Nonetheless, the Air Force has taken these allegations very seriously since they were made in late April. First, the Academy established a new mandatory course to encourage respect for all religions. Second, the Air Force launched several investigations. These investigations are still ongoing and a report is expected shortly. The task force charged with looking into these allegations has been directed to assess:

(1) Air Force and USAFA policy and guidance on the subject of religious respect and tolerance.

(2) The appropriateness of relevant training, for the cadet wing, faculty, and staff.

(3) The religious climate and assessment tools used at USAFA.

(4) The effectiveness of USAFA mechanisms to address complaints on this subject, to include the chain of command, the Academy's Inspector General and the Military Equal Opportunity office.

(5) The practices of the chain of command, faculty, staff or cadet wing that either enhance or detract from a climate that respects both the ''free exercise of religion'' and the ''establishment'' clauses of the First Amendment.

(6) The relevance of the religious climate at the USAFA to the entire Air Force.

Additionally, the Task Force's final assessment will include an Air Force Inspector General report on the removal of Air Force Captain Melinda Morton from her position at the Academy.

The Air Force has made progress to ensure that no one feels pressure from religious groups, and is continuing these efforts. This final report should be released in the next couple of weeks. I have full confidence that this report will provide a thorough and complete report as to the truth of these rumors.

Congress must reserve judgment until all of the facts are revealed. The Air Force has yet to tell its side of the story. Until they do, we do not know what actually happened in Colorado Springs. For this House to condemn the Air Force and the Academy at this time, before all the information is available, is wrong. This provision simply has no place in an otherwise tremendous bill.

The Obey provision is all the more disappointing because men and women in our Nation's Air Force have sacrificed immeasurable blood and treasure to protect the principles of freedom and liberty. Today, we are engaged in a global war on terrorism—aimed directly at our Nation's democracy and core values. Our young men and women are fighting and dying for these freedoms. It is wrong for Congress to chip away at the very freedoms these heroes are shedding their own blood to protect.

When a young man or woman stands up to fight for this country, he or she does not surrender his or her Constitutional rights. The men and women of our military have the right to freely practice their religion, and Congress has a solemn duty to fight to protect their rights.

I would ask my colleagues to join me in support of Chairman HUNTER's amendment. The Obey provision is wrong. It is bad policy, and it is misguided, and it is inappropriate. Congress should wait to act until we have all the facts. Please stand up for the Air Force, the Academy, the Cadets, and the First Amendment that guarantees every American the freedom of religion. Vote to the Hunter Amendment.

AMENDMENT OFFERED BY MR. OBEY TO THE AMENDMENT OFFERED BY MR. HUNTER

Mr. OBEY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY to the amendment offered by Mr. HUNTER:

In lieu of the matter proposed to be inserted, insert the following:

''Sec. 9012. Sense of Congress and Report Concerning Inappropriate Proselytizing of United States Air Force Academy Cadets.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the expression of personal religious faith is welcome in the United States military, but coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain-of-command at the Academy, as has been reported, is inconsistent with the professionalism and standards required of those who serve at the Academy;

(2) the military must be a place of tolerance for all faiths and backgrounds; and

(3) the Secretary of the Air Force and other appropriate civilian authorities, and the Chief of Staff of the Air Force and other appropriate military authorities, must continue to undertake corrective action, as appropriate, to address and remedy any inappropriate proselytizing of cadets at the Air Force Academy that may have occurred.

(b) REPORT ON PLAN.—

(1) PLAN.—The Secretary of the Air Force shall develop a plan to ensure that the Air Force Academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain-of-command at the Air Force Academy. The Secretary shall work with experts and other recognized notable persons in the area of pastoral care and religious tolerance to develop the plan.

(2) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report providing the plan developed pursuant to paragraph (1). The Secretary shall include in the report information on the circumstances surrounding the removal of Air Force Captain Melinda Morton from her position at the Air Force Academy on May 4, 2005.''

Mr. OBEY. Mr. Chairman, what this perfecting amendment does is to restore with some minor changes the basic thrust of the committee language. Let me explain why I do this.

Two weeks ago, I appointed a young man to the Air Force Academy. One week later, he was killed by a drunken driver. Now, if that young man had been fortunate enough to live so that he could have gone to the Academy, I would want his parents, his family and his community, to know that the Academy that he was going to is one which will allow him to practice whatever religion he believed, without any kind of coercion, either from other cadets or from anyone in the chain of command at the Academy. I do not think that is too much to expect.

I understand the gentleman from California is unhappy because he considers this to be an authorizing issue. Well, the fact is the authorizing committee had an opportunity to deal with similar language, not identical but similar language, when they considered the authorization bill, and they declined to do so. That means that each and every one of us as individual members of this place has jurisdiction on this matter because we all appoint cadets to the Academy, and we have an obligation to those cadets to tell them, whether they are Catholic or Lutheran or any kind of Protestant denomination or Jewish or Muslim or even if they are of no religion, we have an obligation to assure them that they are going to be going to an Academy that is free from any kind of coercion, free from any kind of ridicule.

That is what this language does. This language in the committee bill which would be modified only slightly by the amendment I have just offered, this language maintains the integrity of the thrust of the language of the original committee action.

□ 1530

The purpose of this language is not to accuse any individual person. We do not in any way prejudge any individual action. All we do is to say that the activities which have already been described and admitted by the academy as having occurred, all we are saying is that conduct is inappropriate to the military. That conduct is not something that the Congress of the United States will stand for.

If Members believe in religious freedom, they have an obligation to stand foursquare for sending a message that we want this problem corrected. If Members turn down this language and adopt the Hunter language, you are removing the language which makes

clear that the Congress finds that kind of intimidation objectionable, and you are removing the kind of language which will require a report to us about the circumstances surrounding the courageous chaplain who sacrificed her military career to blow the whistle on this.

She said she knew when she blew the whistle on it she was ending her military career. This Congress has an obligation to see that does not happen.

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

Mr. Chairman, I am looking at the text of the Obey amendment, and it is essentially a restatement of the base language. It has the same problem that I spoke about earlier, and that is this: the Secretary of the Air Force is undergoing a number of reviews. He is investigating this situation, but as he says, he has not gotten to ground truth on this thing yet. Yet this amendment is the judge, jury and executioner of the persons who are reported. I am looking at these last three words that say we should not have any inappropriate proselytizing that may have occurred. What we have is a newspaper story.

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

Mr. HUNTER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, we do not just have newspaper stories. We have the direct statement from the director of the academy that that conduct has occurred and in his view is inappropriate. Do we want to take a position that is any less firm than he has?

Mr. HUNTER. Mr. Chairman, the gentleman from Wisconsin (Mr. OBEY) said we are angry because this has come up. That is not so. We were offered under the Army provision in our conference that this provision not be protected and simply strike it on the floor. I was advised that the gentleman from Wisconsin (Mr. OBEY) wanted to have a full discussion on this, and I said let us do it. So that is why we are doing this.

The reason we did not act on this is laid out and validated by the Secretary of the Air Force's letter where he says: ''As this work progresses, I ask you to reserve your opinions on this matter until I can get to ground truth through the objective processes now ongoing.''

If something is this serious, and I have never seen any statement by the Secretary of the Air Force that said abusive and coercive proselytizing has occurred, but that is the language that the gentleman has in his bill. So we have a difference of opinion on this.

I think we should wait until the reports come in, until the DOD IG comes back with his report on the captain that the gentleman has referred to, and until, in the words of the Secretary of the Air Force, we get to ground truth. And we require in my amendment a report back to Congress within 90 days on the findings that the Secretary of the Air Force comes to and recommendations for action.

Let me say one other thing. The gentleman said he is not accusing anybody of proselytizing. I am reading his plan. It says: ''The Secretary of the Air Force shall develop a plan to ensure that the Air Force Academy maintains a climate free from coercive intimidation and inappropriate proselytizing by Air Force officials and others in the chain of command at the Air Force Academy.''

That is a heck of a strong dose of preventive maintenance. The gentleman's position, what he has read in the Los Angeles Times is good enough for him, and it is now time for us to take remedial action even before the Secretary of the Air Force comes back with his recommendations.

Mr. OBEY. Mr. Chairman, if the gentleman would continue to yield, let me simply say this language of the committee, which I am repeating almost word for word in the amendment, does not single out any individual or claim to know the facts on any individual case. What it does most definitely assert is that the conduct, through the official spokesman for the academy, did take place and was inappropriate. We are simply backing up that statement.

Mr. Whitaker, who is the official academy spokesman, said there were cases of maliciousness, mean-spiritedness, and attacking or baking someone over religion.

We do not have to withhold our judgment about the details of the case to know that that kind of action is across the line.

Mr. HUNTER. Mr. Chairman, I would just respond, that is not the Secretary of the Air Force; and if the gentleman is holding this up as something that justifies a condemnatory statement by the United States House of Representatives, then it has to be something that is representative of the actions of the officials of the Air Force Academy; and no one has used language as strong as the gentleman from Wisconsin (Mr. OBEY) who states, and I am going to state this one more time because we keep moving off it, the gentleman's statement is that ''SEC Air Force shall develop a plan to ensure that Air Force Academy maintains a climate free from coercive and religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain of command.'' The amendment does not even say ''some Air Force officials.'' He is holding that out as representative of what is going on in the chain of command in the academy.

Mr. SABO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, am I correct that the superintendent, the head of the Air Force, has indicated it is a problem and it would take him 6 years to fix the problem?

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

Mr. SABO. I yield to the gentleman from Wisconsin.

Mr. OBEY. That is exactly right.

Mr. SABO. And the chaplain at the Air Force who blew the whistle on this problem is no longer there?

Mr. OBEY. She has been removed from her position.

Mr. SABO. The minister of the church that I go to locally is a former Navy chaplain and also served in the Marines. He felt strongly enough about this issue it was part of his sermon yesterday. His response to the 6-year problem was that if this were a problem for the Marines, it would have been taken care of in 6 weeks or less.

I would only suggest there is a problem. It is obvious it is great. The amendment is sort of mild. If the Air Force is with it, they will get it taken care of shortly before any of the reports in either of these amendments are required.

Mr. HEFLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Obey amendment and in support of the Hunter amendment. I think the Obey amendment passes judgment before we know what the judgment ought to be in this thing.

We are assuming that this chaplain, one of the many chaplains that they have at the Air Force Academy, we are assuming she was reassigned because she blew the whistle, as the expression has been used here. What blew the whistle on this was the survey that they did of cadets, and a few of them said there was something wrong. And she said, yes, there was something wrong; and she has been reassigned.

When the Air Force was asked why she has been reassigned, they tell us it was because the person she was working for reassigned and it is customary to reassign. So let us not pass that judgment right now.

I think the Hunter amendment strikes the kind of balance that we really want. It does not pass judgment. It recognizes that studies are going on so we can get to the bottom of it and find out how much of a problem there might be there. It emphasizes that religious intolerance is unacceptable, and we all agree with that. Religious intolerance is unacceptable.

But it also recognizes the importance of the spiritual side of our lives and does not try to scrub religion from public life in America. There are some who would like to do that. We are looking up here at ''In God We Trust'' over the Speaker's rostrum. We open each day with a prayer. We do not want to scrub religion or faith from all public life. I think the Hunter amendment emphasizes that, but it also recognizes that we need to wait and pass judgment when we get all of the facts.

Mr. Chairman, I serve on the Board of Visitors at the Air Force Academy. This was not discovered by newspapers or a chaplain who blew the whistle. This was discovered during the normal administrative process of the Air Force Academy. They have discussed it with the Board of Visitors, and we have dealt with it for some time.

First of all, the Air Force Academy recognized there might be a problem, and they immediately jumped on it. They have had some problems out there. I do not know how it tied into this, but the gentleman from Wisconsin mentioned the sexual thing. That really was a scandal. I question whether we have a scandal going here.

But they knew that they were under the bright light because of what happened in the past, and they were on this immediately; and they are in the process of taking action. I do not think they need the help of the Congress of the United States to do this. I think they are on top of it.

As I said earlier, I do not think we have a scandal here. I think we have an administrative situation that the Air Force Academy and the Air Force are perfectly capable of taking care of. If that is not the case, when the studies come in, we will be able to see that and maybe we do need to get into it. We need to let this process work. We need to, I hope, not support the Obey amendment with that kind of language and support the Hunter amendment which strikes the kind of balance that I think we want. Then we will watch until the results of these studies come in and see if we need to move any further. I encourage defeat of the Obey amendment and passing of the Hunter amendment.

Mr. ISRAEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have the privilege of serving with the gentleman from California (Mr. HUNTER) and the gentleman from Colorado (Mr. HEFLEY) on the Committee on Armed Services, and it is a privilege to work with them.

I offered a very similar amendment during the authorization process. The chairman asked if I would withdraw that amendment so we could work together, and I did that in the spirit of bipartisanship and good faith.

But now we are being told, let us not work together, let us wait. We cannot wait any longer.

The gentleman from Colorado (Mr. HEFLEY) said we are trying to scrub religion from public places. On the contrary. We are not doing that. The language of the Obey amendment explicitly says the expression of personal religious faith is welcome in the United States military. That is the line we are drawing.

Mr. Chairman, the Constitution of the United States, which we have sworn to protect and defend, guarantees religious freedom and talks about the need. We were founded as a diverse country based on tolerance. We take the oath to the Constitution. We ask the Members of the military to take the same oath and fight to protect and defend the Constitution.

For over 1 year there have been persistent reports that religious freedom and constitutional protections have not been respected at the Air Force Academy, cadets forced to mark on heathen flight lines, cadets being given and denied privileges based on a religious view, cadets encouraged to tell other cadets they will burn in hell if they do not embrace a certain view. When the Air Force attempted a review and corrective action, it was diluted. When a Lutheran chaplain complained it was diluted, she was dismissed.

Mr. Chairman, even the superintendent of the Air Force, someone I have a very high regard and respect for, has said these reports keep him up at night and they may take 6 years to fix. As I said before, we have a constitutional civilian oversight responsibility for the military, and we are being told today do not take a position, let the Air Force investigate itself; and at that point Congress should weigh in.

Here is the problem with that: this has been going on for over a year. Congress has done nothing.

□ 1545

The appropriations bill will pass tonight. After tonight, it will be too late for Congress to take a position on this issue. The principal vehicle of funding for the military will have passed and the opportunity to defend tolerance, respect, and religious pluralism and freedom will have passed us by.

Delaying is not a matter of fairness. Delaying is a matter of delay. It is a matter of complicity. If the House Armed Services Committee cannot exercise its full constitutional oversight responsibility on this issue, why are we in existence?

My chairman knows that I have been a stalwart supporter of the military on every amendment, every bill, supporting more resources for the military, more investments, increasing end strength, because I want the military to be able to protect and defend the Constitution at home and abroad and I want it to respect the Constitution and embrace the personal expression of religious view at its own home. That is why I rise to support the Obey amendment, and that is why I oppose the Hunter amendment.

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

Mr. ISRAEL. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I want to emphasize one thing. The gentleman from California said that his amendment will preserve the understanding that religious faiths are welcome at the academy. That is true. His amendment does. But I would point out, it simply repeats the first sentence of the committee language in the Obey amendment. We all agree. We all agree that the expression of personal religious faith is welcome. That is exactly why we are here standing pushing for this committee language today, because we want to make sure that the Pledge of Allegiance that we take every day says ''liberty and justice for all'', not just ''for almost everybody.''

The gentleman said that he did not want to see religion scrubbed out. I do not, either. But 55 cadets have said that there were efforts at the academy to scrub out their expression of religious belief. That is what we want to stop. I want to make sure that every single person who attends that academy feels free from intimidation and does not feel that they have to go along with the attitudes of those in the chain of command or their senior cadets in order to get along at the academy.

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

Mr. ISRAEL. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. I thank him for the spirit in which this debate is conducted. The gentleman from Wisconsin and I do have similar expression in welcoming religious expression at the academy. Where we do differ is that in our amendment we do not prejudge that officials are abusively proselytizing; and with the IG report coming in from DOD, not just the Air Force, but the IG report coming in from DOD and the Air Force IG report coming in, I think we need to get those reports and then take congressional action.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the risk of offending the gentleman from California (Mr. HUNTER), chairman of the Armed Services Committee, and the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Appropriations Committee, it looks to me like this debate, which is a really good debate and has been back and forth, the only problem so far is that most everything has been said, but not everyone has said it yet.

It looks to me like this is going to take more time to settle an issue that has nothing to do with the war in Iraq or the war against terrorism, going to take more time than the bill that does provide for the security of the Nation. We ought to get to the end of this debate and get back to the real business at hand today.

Mr. Chairman, I may offer a bit of a facetious statement, but if we cannot get this thing ended, I may ask unanimous consent that the staff can go outside and have their own debate rather than handing stuff to the Members in order to have that debate. I have probably offended both sides. I do not know who applauded, but I probably offended both sides. But we ought to get to the business that we came here today for and that is to provide for the security of the United States of America and to provide the troops what they need to do their job, perform their mission, and protect themselves while they do it.

Mr. HOSTETTLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the long war on Christianity in America continues today on the floor of the United States House of Representatives. It continues unabated

with aid and comfort to those who would eradicate any vestige of our Christian heritage being supplied by the usual suspects, the Democrats. Do not get me wrong. Democrats know they should not be doing this. The spirit of, if not the exact, language in the underlying bill added by the Democrat ranking member, the gentleman from Wisconsin was offered by a Democrat in the Armed Services Committee during consideration of the fiscal year 2006 DOD authorization bill.

The author of that language in the authorizing committee, the gentleman from New York, has suggested since that time that ''extremist groups'' are behind the removal of language similar to his. I and others who spoke in opposition to that amendment had never even heard of the notion of such an amendment until the gentleman from New York actually offered it during the committee markup. And so I am curious as to who these extremists are that the gentleman from New York spoke of.

Mr. Chairman, we may never know because that is the nature of this debate, name-calling of unspecified people and groups who hold a world view different than many of these Democrats. And, as I said, Mr. Chairman, Democrats know they should not be doing this. Following the overwhelming opposition voiced at the DOD markup, the Democrat ranking member of the committee requested the gentleman from New York to withdraw the amendment, which he did. * * *

Mr. OBEY. Mr. Chairman, I move that the gentleman's words be taken down.

The CHAIRMAN. The gentleman will suspend.

The Clerk will transcribe the words.

□ 1626

Mr. HOSTETTLER. Mr. Chairman, I ask unanimous consent to withdraw the last sentence I spoke.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. OBEY. Mr. Chairman, reserving the right to object, I think the House needs to understand why I objected to the language of the gentleman.

As I understand it, the language that the gentleman is saying he will withdraw is the following: ''Like moth to a flame, Democrats can't help themselves when it comes to denigrating and demonizing Christians.''

What I would have asked the gentleman, since he referred earlier in his remarks to me and the gentleman from New York (Mr. ISRAEL), I would have asked him if he really believed that the gentleman from New York's (Mr. ISRAEL) efforts to attach similar language in the Committee on Armed Services, the language that the gentleman referred to earlier in his discussion, whether he really thought that the gentleman from New York (Mr. ISRAEL) was engaging in an anti-Christian act. I would have asked him whether he really thought that the language that I was trying to offer to protect people of all religions at the Air Force Academy, whether he really thought I was being anti-Christian. I would have asked him if he thought that the chaplain at the Air Force Academy who laid her career on the line in order to protect the religious freedom of those cadets who she felt were being intimidated, whether her actions were anti-Christian.

□ 1630

I would have asked whether he thinks that the kind of conduct which the superintendent of the Academy has already admitted occurred, which among other things had one cadet calling another a ''filthy Jew,'' or when they had cadets who did not subscribe to a specific kind of Christianity being told that they were going to, ''burn in hell,'' I would have asked him whether or not the Chaplain's objection to that kind of conduct was antiChristian?

I would have suggested that when Mr. Whitaker, the official spokesman for the Academy indicated that he thought the problem at the Academy was one of ''insensitivity and ignorance,'' I would have asked whether or not, unfortunately, we did not often see those same qualities displayed elsewhere, including on the floor of this House?

And I would have suggested that I think his outburst, and the specific language he used, is perhaps a perfect example of why we need to pass the language in my amendment, which states, ''coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain of command at the Academy, as has been reported, is inconsistent with the professionalism and standards required of those who serve at the Academy.

And I would add, also, of those who serve in this House and speak on this floor. So those are the questions I would have asked. If the gentleman is withdrawing those words, fine, I think it is constructive that he do so.

But, before I do that, I would, under my reservation, yield to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Chairman, the words that we heard, as unfortunate and as hurtful as they were, as the gentleman from Wisconsin (Mr. OBEY) says, testimony for the passage of our amendment.

I have never heard it suggested that by somehow saying that with a personal expression of religious observance and freedom, as the gentleman from Wisconsin (Mr. OBEY) wrote in his amendment, as I included in my amendment, could somehow be characterized in the way it just was.

And, Mr. Chairman, I will just state for the record, with respect to the Air Force Academy, by one estimate, of the 117 Academy cadets, staff members and faculty members who complained about religious intimidation and proselytizing, eight happened to be Jewish, one happens to be atheist, 10 happen to be Catholic, and all of the rest happen to be Protestants.

So this is not being for or against any one faith, I would say to the gentleman. This is about respect for all faiths. And that is why we offer this amendment, and that is why we believe now more than ever that it is critical that it be passed, and that the American people know that we embrace religious viewpoints in our military, but we also want respect for the spiritual values of all people.

Mr. OBEY. Continuing my reservation, Mr. Chairman. I would simply say that perhaps the speech of my good friend from Florida (Mr. YOUNG) urging that we stop talking on this amendment and get to the vote, perhaps his speech came 5 minutes too late. It is too bad, not too late, because if we had voted before the last speaker, the House would not have seen this unfortunate event present itself.

So, Mr. Chairman, I would simply say that I think perhaps the best thing to do in the interests of restoring a decent amount of civility and comity to the House this afternoon is for the gentleman from Indiana (Mr. HOSTETTLER) as he has suggested, to withdraw his words and for us to get onto a vote and pass this amendment to make quite clear that every Member of this House, save perhaps a few, recognize that we have an obligation to each and every cadet at the Air Force Academy, to see that they can practice their religion without fear of ridicule, without fear of condemnation, without fear of intimidation by anyone else, be they Protestant, Catholic, Jewish, Muslim, or any other religion that anyone of us can think of.

This language in the committee bill, the language which we are restoring by my amendment, is an effort to protect all religions, all religions. I would ask for an aye vote when the amendment comes.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Without objection, the words designated by the gentleman from Indiana (Mr. HOSTETTLER) are withdrawn.

There was no objection.

The CHAIRMAN. The gentleman from Indiana (Mr. HOSTETTLER) has 3½ minutes remaining.

Mr. HOSTETTLER. Mr. Chairman, when it comes to the assertions in the language of the bill, the amendment offered by the gentleman from Wisconsin (Mr. OBEY) at this point, even the press has recently indicated the fallacious nature of those assertions.

In the sense of Congress portion of the bill, the gentleman from Wisconsin (Mr. OBEY) states, ''coercive and abusive religious proselytizing at the

United States Air Force Academy by officers assigned to duty at the Academy and others in the chain of command at the Academy, as has been reported, inconsistent with the professionalism and standards required of those who served at the Academy.

Coercive and abusive religious proselytizing, as has been reported. The American Heritage Dictionary, Second College Edition, defines the word ''proselytize'' to mean, ''to convert from one belief or faith to another.''

Are the gentleman from Wisconsin (Mr. OBEY) and others providing one shred of evidence that there has been a forced conversion from one belief to another at the Air Force Academy? And if so, from what belief to what belief did the abusive and coercive conversion take place?

No, there is not a single reported incident of the proselytizing that the gentleman from Wisconsin (Mr. OBEY) attempts to persuade us is gospel.

Noting this, today's issues of CQ Today, writing about this issue, speaks of our ''spirited debate over whether Congress should speak out about reports that some Christian officials at the U.S. Air Force Academy in Colorado Springs, Colorado, coercively sought to proselytize non-Christian students.''

Sought to proselytize, that is not what this debate or the amendment offered by the gentleman from Wisconsin (Mr. OBEY) is about. The gentleman from Wisconsin (Mr. OBEY), as my chairman of the Authorizing Committee has stated earlier, has indicted, convicted and sentenced the leadership of the Academy, without any evidence, reported or otherwise, that coerced conversions have taken place at the Academy.

And for that miscarriage of justice, Mr. Chairman, this amendment offered by the gentleman from Wisconsin (Mr. OBEY) should be defeated, and the underlying amendment from the gentleman from California (Mr. HUNTER) adopted.

Mr. TURNER. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. TURNER. Mr. Chairman, I rise in opposition to the Obey amendment and in favor of the Hunter amendment.

Mr. Chairman, Jesus Christ is my Lord and Savior. Why do I rise in this body, on this floor at this time and make this statement about my personal religious faith? Because I can. Because it is inherent in the concept of democracy and our Constitution that we value the protections of freedom of speech, the freedom of religion, and the protection of the freedom of the practice of religion.

Because of this, I can stand here today and make my statement of faith, just as any other Member of this body or any other citizen of this Nation can make their statement of faith, whatever their faith or religion may be, or they may make a statement of a lack of faith, a statement of having no belief in any religion.

Mr. Chairman, we value this so much that not only is it a right that we protect, but we further protect individuals from discrimination based upon their religion or their belief in no religion. This body has many times voted to ensure that no American is discriminated against based upon their religious faith or lack of religious faith.

In ensuring that our laws against discrimination are enforced, we do not need to pass additional laws that would undermine one of the basic tenets founding this country, which is the belief in the free practice of religion, and the freedom of speech which includes the freedom of the expression of religious faith.

Our men and women in uniform serve their country by serving in our military. Their service is based upon an allegiance to our Constitution and its basic principles of freedom and liberty. We must never forget that many of our forefathers came here escaping countries that have laws and rules that restricted the practices of certain types of religion.

There are countries today where citizens or members of government are restricted and cannot stand, as I just did, stating their faith and belief in God. May there never be a time when a Member of Congress or our men in uniform may not freely and openly acknowledge their God or express their faith and belief in their religion or openly acknowledge their lack of religious faith.

The Obey amendment should be defeated. The Hunter amendment supports our freedoms and protections guaranteed by the Constitution. I strongly encourage my colleagues to support the Hunter amendment and oppose the Obey amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, briefly I would note that what we have been objecting to is precisely the denial to some cadets at the Air Force Academy of the very freedom that the previous speaker proclaimed.

No one has criticized anyone's profession of his or her religion. The animus here, the gravimen of this charge is, that other people have been penalized for it, and the Superintendent to the Air Force Academy himself acknowledged it.

Now, I apologize for prolonging this, and I would say that when the chairman of the subcommittee, the former chairman of the full committee, the gentleman from Florida (Mr. YOUNG) appealed for an end to the debate, he got acquiescence on this side.

Two Members on his side decided to prolong it. I wish that others had followed our example. But since they have not, I do think that things have to be answered.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I do not want to take more than 30 seconds. I simply want to reiterate what the Obey amendment does before us, restores, almost word for word, the original language of the committee bill. What that language tries to do is to assure the full protection of, well let me put it another way, because this is a sense of the Congress language.

What we attempt to do is to put the Congress on record squarely, as saying that we want every cadet, regardless of religion, to be able to fully practice their religion without intimidation, without ridicule, without restraint.

That is what we are trying to do. I think it speaks for itself. If people do not believe the Congress should stand for that, then they can vote against the amendment. If they do, I would appreciate a yes vote.

Mr. FRANK of Massachusetts. Mr. Chairman, in closing, I would repeat what has been said before, but apparently with sufficient clarity, I guess. The one person, who more than any other, was penalized for speaking out in this matter, in defense of the principles that the previous speaker articulated was a chaplain, the chaplain who was sent to Okinawa in a punitive transfer, and I know people have said that the Air Force gave different reasons for that. I do not think anyone really believes that.

It is clear that she was transferred for punitive reasons, because she spoke out against what she thought was an inappropriate set of actions against people's freedom of religion. She was, as we said and is, a chaplain.

Mr. Chairman, I yield to my friend, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this issue has a special relevance to each of us because, we actually name the young men and women who go to these academies. And each of us take this responsibility with a great deal of responsibility.

And to the parents who entrust these children, these young men and woman, to us and through us to the academies, there is an expectation that regardless of the religion of any of these families, that they will, on the one hand, be able to fully practice their religion, but at the same time they will also be free from coercion of other religions as they leave home for the first time.

□ 1645

So we have, I think, the greatest responsibility because we play a role in selecting these young men and women to ensure that they are protected and that their parents, their families, back home are protected from the beliefs which they are sent with being attacked or undermined by those that do not respect the beliefs that those

young people brought with them. So I agree that this amendment is absolutely essential and that the statement must come from this body of all bodies on this most important of issues.

Mr. CONAWAY. Mr. Chairman, I move to strike the requisite number of words.

At the risk of unnecessarily continuing this debate, I must stand in opposition to the Obey amendment and in favor of the Hunter amendment.

The words ''coercive and abusive proselytizing'' are particularly troubling. I too am a Christian and one of the basic tenets of my faith is that I must share that faith. I am instructed to go and tell. And the going and telling of that involves looking someone face to face and explaining the tenets of my religion, one of which is a heaven and a hell.

If I were to do that on the Air Force Academy, then I could be accused of abusive and coercive proselytizing and be charged, and that is not the case. Of course, were that charge to be made, then I would make a charge of the religious intolerance of the person that made that charge against me. We seem to get into a loop here that does not make any sense.

Both sides want freedom of religion. Both sides want freedom of expression of religion. The Hunter amendment calls for doing it in a way that allows for a due process on the campus to continue, all of the studies and reviews to get done. The Obey amendment unfortunately is a ready-aim-fire approach that I stand in opposition to.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in support of Ranking Member OBEY's amendment, which seeks to protect religious freedom at the Air Force Academy. This amendment condemns coercive or abusive proselytizing at the Academy and reaffirms that the military must be a place of tolerance for all faiths and backgrounds. Indeed, we hold our nation to high ideals of religious freedom and this amendment ensures that the Air Force Academy meets these ideals.

Thankfully, this issue of infringement on religious freedom was reported by cadets at the Academy. The Los Angeles Times reported on April 20, 2005, that an atmosphere existed on the campus of the U.S. Air Force Academy that appeared to tolerate disrespectful treatment of persons who were not evangelicals. Air Force officials have acknowledged the problem, which initially surfaced in early May 2004 when a survey of present and former cadets revealed that some students felt that 'born-again' Christians received favorable treatment and that persons of faith that did not consider themselves born-again had been verbally abused. These reports are unacceptable; truly we can not tolerate even the hint of religious intolerance or persecution anywhere in our nation, but especially not in any sector of our Armed Forces. Our brave men and women in the Armed Forces are fighting and in many cases are dying to protect the idea of religious freedom for all Iraqis, it would be a true shame if religious intolerance were given even the slightest legitimacy here in the United States. At this time when recruitment levels are low we do not need to send out the message that anyone who joins the Air Force Academy and is not a strong evangelical Christian may face persecution.

I was disappointed by the words heard on the floor by one Republican that Democrats are declaring war on Christians; thankfully he decided to strike this offensive statement from the record. However, he brings up an issue that must be addressed despite its outrageousness. The simple truth is that Democrats are supporting this amendment to strengthen the voice of religion, not weaken it. I affirm the tolerance of all religions. As Democrats we believe that all faiths have a right to practice freely and share their beliefs. This freedom of religion strengthens and gives voice to the entire faith community. The Obey amendment is not any radical measure, it simply states that: ''(1) the expression of personal religious faith is welcome in the United States military, but coercive and abusive religious proselytizing at the United States Air Force Academy by officers assigned to duty at the Academy and others in the chain-of-command at the Academy, as has been reported, is inconsistent with the professionalism and standards required of those who serve at the Academy; (2) the military must be a place of tolerance for all faiths and backgrounds; and (3) the Secretary of the Air Force and other appropriate civilian authorities, and the Chief of Staff of the Air Force and other appropriate military authorities, must continue to undertake corrective action, as appropriate, to address and remedy the inappropriate proselytizing of cadets at the Air Force Academy.'' It also calls for the Secretary of the Air Force to develop a plan ''to ensure that the Air Force Academy maintains a climate free from coercive religious intimidation and inappropriate proselytizing by Air Force officials and others in the chain-of-command at the Air Force Academy. The Secretary shall work with experts and other recognized notable persons in the area of pastoral care and religious tolerance to develop the plan.''

Clearly, the requirements of this amendment are not burdensome or complex, but they are necessary. This amendment gives peace of mind to all students who enter the Air Force Academy that they will not face intimidation when making choices about their faith. Truly, this is an American ideal and we can never stray from that path.

Mrs. CAPPS. Mr. Chairman, I rise in support of the Obey amendment and opposition to the Hunter amendment.

Religious freedom is bedrock principle for which the United States stands, and which the military is meant to defend.

Unfortunately the environment at the U.S. Air Force Academy appears consumed by religious intolerance.

Some chaplains encourage cadets to convert their colleagues to Christianity.

And one has publicly declared that cadets who do not accept proselytization will ''burn in the fires of hell.''

The football coach is reported to use his position to urge players to go to church and to be Christians.

He even went so far as to put a banner in the Academy football team locker room reading ''I am a Christian first and last. I am a member of Team Jesus Christ.''

Cadets who do not go to church are organized into groups called ''Heathen Flights'' by their cadet officers.

And high ranking officers, including the Commandant of Cadets, have given the Academy's official sanction to religious events geared towards promoting Christianity, including screenings of ''The Passion of the Christ.''

The problem is so pervasive that the Superinendent of the Academy, Lt. General Rosa, publicly acknowledged it in a speech to the Anti-Defamation League.

It is appalling that the young men and women who volunteer to defend our Nation should be subject to religious harassment and intolerance of this kind.

It clearly violates the Constitution. And it undermines the unity of the armed forces.

If this were going on at University of Colorado, students could easily just ignore it as they probably do almost everything else the school tells them.

But Air Force cadets are members of the miltary and part of the chain of command, and all that entails.

The Academy tells cadets when to wake up and go to sleep, when to eat, how to dress, where to go and when to go there, when they can leave campus and how they must behave.

If the cadets ignore their superiors on any of these issues they would be sternly disciplined.

This is why it is critical that the officers and staff at the Air Force Academy not be permitted to inappropriately press their religious beliefs onto their cadets.

This is where the coercion that Mr. HOSTETTLER was asking about takes place.

The military has a special obligation to ensure that its members do not abuse the extraordinary influence that chain of command gives them.

Clearly, that has not been the case at the Air Force academy. And now Congress has a duty to address these concerns.

When the Constitution of the United States is being disregarded in such blatant fashion we have no choice. We must act.

For that reason I applaud the leadership of Ranking Member OBEY and the members of the Appropriations Committee.

The language they included clearly expresses our objection to these practices, and demands a plan of action from the Air Force Secretary.

I also want to commend my colleague Mr. ISRAEL for offering this same language in the Armed Services Committee.

Last month I, along with 45 of my colleagues, sent a letter to the Air Force Secretary asking for a thorough and public investigation.

I am pleased to know that the Air Force's internal investigation of these issues will soon be complete. This is a good first step.

Unfortunately there has been a history at the Air Force Academy of trying to cover up embarrassing scandals rather than deal with them.

It took considerable Congressional pressure to force the Air Force and the Academy to take the matter of sexual harassment and assault seriously.

The Academy's initial response to the issue of religious freedom has not inspired confidence that they are acting differently here.

One Academy chaplain, Captain Melinda Morton, pressed hard for changes to ensure religious tolerance and was recently removed from her post and her reassignment has the appearance of the Air Force punishing an officer for looking after the spiritual well-being and constitutional rights of all the cadets.

So the Congress clearly has enough information to take the step included in this bill.

The language in this bill will send an unmistakable signal to the Air Force that we are watching, and we will not allow them to sweep this under the rug.

We should not dilute it by passing the Hunter amendment. I urge my colleagues to oppose it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) to the amendment offered by the gentleman from California (Mr. HUNTER).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) to the amendment offered by the gentleman from California (Mr. HUNTER) will be postponed.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of this bill which I am pleased to see includes an additional $20 million for the Department of Defense Family Advocacy Program.

In an era of extended and repeated deployments, our military families are under more strain than ever before and the services of the Family Advocacy Program are desperately needed.

DOD has made progress in its efforts to prevent domestic violence, but I hope that some of this additional funding will also be used to strengthen intervention programs which are still in need of improvement.

As important as the Family Advocacy Program is, let me stress that it is only one part of the total domestic violence prevention and response effort envisioned by the Defense Task Force on Domestic Violence in its 2003 final report.

I look forward to working with my colleagues in the future to ensure that the recommendations of the task force are fully implemented and that our military families get what they deserve. I would like to thank the subcommittee chairman and my good friend, the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), for recognizing that there remains significant work to be done on this issue and for making the safety and well-being of military spouses and children a top priority in this bill.

Mr. DEAL of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to enter into a colloquy with the chairman of the subcommittee on the subject of the Defense POW/Missing Persons Office.

It has come to my attention, Mr. Chairman, that the Defense POW/Missing Persons Office, the DPMO, has received complaints from such groups as the National League of Families of American Prisoners and Missing in Southeast Asia and the organization of Korea/Cold War Families of the Missing. In particular these groups object to the DPMO's action in the following areas:

one, the manner in which they have developed policy without substantive interagency integration and dismiss Vietnam's ability to provide answers;

two, their hostility towards the POW/MIA families;

three, their attempt to take total control of the League of Families' annual meetings and operations of the Joint POW/MIA Account Command;

four, the use of the COIN Assist fund as a leveraging mechanism to control agenda of the League of Families.

I specifically ask that a report be completed assessing the level of cooperation and interaction between the Defense POW/Missing Persons Office with the National League of Families of American Prisoners and Missing in Southeast Asia and the Organization of Korea/Cold War Families of the Missing and all other members of those organizations, particularly with respect to compliance with all applicable provisions of law. Further, I ask that the report be included in the Statement of Managers to accompany the conference report for this bill, H.R. 2863.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I understand the concerns, and the gentleman and I have spoken at length about these issues and I am equally concerned as is he. And I think it is appropriate that we do ask for such a report; and when we meet with the Senate for conference on this bill, we will seek to include such a report.

Mr. DEAL of Georgia. I thank the chairman.

I would ask unanimous consent to insert certain documents into the RECORD. These documents represent and outline the various frustrations and concerns of the National League of Families of American Prisoners and Missing in Southeast Asia and should be considered and addressed by the Office of the Secretary of Defense and their report.

I believe this report must reflect a comprehensive study of DPMO's guidance and policy initiatives. I am particularly concerned that the concerns of the National League of Families be seriously addressed. A report that merely waxes over such differences as a ''family feud'' would not be found acceptable.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I certainly agree to work with the gentleman on this matter to have a satisfactory conclusion.

Mr. DEAL of Georgia. I thank the chairman again.

I ask that upon completion of this report that it be submitted to the House Committee on Appropriations, the House Committee on Armed Services, and that it be made available to the personal offices of all members of the POW/MIA congressional caucus.

Mr. MILLER of Florida. Mr. Chairman, will the gentleman yield?

Mr. DEAL of Georgia. I yield to the gentleman from Florida.

Mr. MILLER of Florida. I thank the gentleman from Georgia (Mr. DEAL) for yielding. I thank my colleague and good friend, the chairman, for allowing this time.

As co-chair of the Congressional POW/MIA Caucus I appreciate the leadership of the gentleman from Georgia (Mr. DEAL) on this issue.

The POW-MIA Caucus recognizes that policy coordination and cooperation must include not only congressional oversight but also a continued strong working relationship with nongovernmental organizations such as those you have talked about, the National League of American Prisoners and Missing in Southeast Asia, the Organization of Korea/Cold War Families of Missing.

It is the members of these organizations and others like them who stand to gain the most by the implementation of government policy. The elimination of nongovernmental organization participation in this process would impede progress, and the caucus supports the leadership of the gentleman from Georgia (Mr. DEAL) on this issue and looks forward to working with the Defense POW/Missing Persons Office, the committees of jurisdiction, and these organizations to ensure that our shared goals are met.

Mr. DEAL of Georgia. I thank the chairman of the subcommittee, and I look forward to working with him on this issue in conference.

AMENDMENT OFFERED BY MS. PELOSI

Ms. PELOSI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. PELOSI:

At the end of title IX, insert the following new section:

SEC. _____. (a) Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the Speaker and minority leader of the House of Representatives and the majority leader and minority leader of the Senate a report on a strategy for success in Iraq that identifies criteria to be used by the Government of the United States to determine when it is appropriate to begin the withdrawal of United States Armed Forces from Iraq.

(b) The report shall include a detailed description of each of the following:

(1) The criteria for assessing the capabilities and readiness of Iraqi security forces, goals for achieving appropriate capability and readiness levels for such forces, as well as for recruiting, training, and equipping such forces, and the milestones and timetable for achieving such goals.

(2) The estimated total number of Iraqi personnel trained at the levels identified in paragraph (1) that are needed for Iraqi security forces to perform duties currently being undertaken by United States and coalition forces, including defending Iraq's borders and providing adequate levels of law and order throughout Iraq.

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

(4) The measures of political stability for Iraq, including the important political milestones to be achieved over the next several years.

(c) The report shall be transmitted in unclassified form but may contain a classified annex.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order against the amendment.

Ms. PELOSI. Mr. Chairman, I regret that a point of order was raised, but I do want to commend the gentleman from Florida (Mr. YOUNG) for his outstanding leadership to protect our country. He is a champion for national security, a champion for our troops. I respect him enormously. I wish he had not raised this point of order.

I want to commend the chairman of the full committee, the gentleman from California (Mr. LEWIS), who is in the Chamber right now, for his distinguished leadership on behalf of America's troops and on behalf of our national security. They have worked in a bipartisan manner with our distinguished ranking member, former chair of the subcommittee, the gentleman from Pennsylvania (Mr. MURTHA). By working together with the gentleman from California (Mr. LEWIS) in the last session of Congress and on an ongoing basis with the gentleman from Florida (Mr. YOUNG), they have really tried very hard to provide our troops with what they need to do their job and to come home safely and soon.

I also want to recognize the outstanding leadership of the gentleman from Wisconsin (Mr. OBEY), the ranking member of the full committee, former chair of the committee. I think these four gentleman have worked very closely together, removed the doubt in anyone's minds that we understand our obligation under the Constitution to provide for the common defense and they help us honor that commitment. I thank them all.

The legislation that we are considering today contains in it another $45 billion for the war in Iraq that has already consumed nearly $200 billion, ended the lives of over 1,700 of our troops, and thousands more Iraqis, and changed forever the lives of tens of thousands more who have been wounded in that war.

They were sent into the war without the intelligence about where they were going, what they were going to confront, without adequate equipment to protect them and without a plan for what would happen after the fall of Baghdad.

As I referenced earlier, the gentleman from California (Mr. LEWIS), the gentleman from Pennsylvania (Mr. MURTHA), the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY) have fought hard, especially the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) last year in the defense Committee on Appropriations to correct the inadequacy of the equipment they had.

Many of us have visited with soldiers in Iraq. Some of them are on their second tour of duty. I conveyed to these brave soldiers, as I have to soldiers in hospitals here and abroad, how grateful the American people are to them for their valor, for their patriotism, for the sacrifices they are willing to make for our country. They have performed their duties with great courage and skill, and we are deeply in their debt.

Disagreement with the policies that sent our troops to Iraq and which keep them in danger today in no way diminishes the respect and admiration that we have for our troops. Sadly, the level of their sacrifice has not been met by a level of language by the administration, and now the American people agree that this war is not making us safer.

Republican Senator Robert Taft of Ohio, who in time became the Republican leader in the United States Senate, had this to say about our duty in time of war as Members of Congress. He said, ''Criticism in time of war is essential to the maintenance of a governing democracy.''

He was a Republican. This was World War II. He was a Republican in the Senate. He said that, and he was right.

It is in that spirit that I disagree with those Republicans who continue the course of action that we are on now. When we went into this war, it was a war of choice. President Bush sent us into a war of choice, a preemptive war. When you have a war, you have to go in with the preparation that you have. But when it is a war of choice, you have an increased responsibility to be prepared and to have a plan for what happens after the fall of, in this case Baghdad, but we have not.

□ 1700

Vice President CHENEY at the time said that our troops would be met with rose petals. Instead, they were met with rocket-propelled grenades.

Under Secretary Wolfowitz said that this is a country that can easily afford its own reconstruction and soon, and the U.S. taxpayer is still paying the tab.

This is a war that each passing day confirms what I have said before and I will say again, that this war in Iraq is a grotesque mistake. It is not making America safer and the American people know it.

Early on, the gentleman from Pennsylvania (Mr. MURTHA) said what a Democratic, what a bipartisan proposal should be as far as going into Iraq, that with the fall of Baghdad, we should move quickly to Iraqtize, to turn the security of Iraq over to the Iraqis. We should internationalize, that we should form the diplomatic alliances in the region for the Iraqi government so that our troops could accomplish their goals militarily with the help of diplomacy. It simply cannot be done alone.

The gentleman from Pennsylvania (Mr. MURTHA), in leading our House Democrats on this issue, said that we should energize, we must turn on the light, we must have reconstruction in Iraq, and because of some of the poor planning or lack of planning, the reconstruction has taken much longer, is much more costly, and again, the security is making it almost impossible.

You cannot go forward with the social services and the rest unless you have a secure Iraq. You cannot have it be secure and bring our troops home unless you turn over that security responsibility to the Iraqis.

So we go to a place where we should expect the least Congress should do is to insist that the President provide the details on how it will be determined when the responsibility for Iraq's security can be turned over to the Iraqis and how Iraq's economic and political stability will be assessed. That is what my amendment would have done, would do, if it were made in order.

The failure by the President and his administration to plan adequately for the conduct of war to date has made it all the more imperative that Congress ensure the planning be done competently for bringing our troops home. If our troops are to leave when the mission has succeeded, we need to know how success will be defined.

Despite the manner in which the administration has chosen to fund the war, relying totally on supplemental appropriations up until now, as though it was a surprise that keeping hundreds of thousands of military personnel in and near Iraq would have a cost, our commitment in Iraq cannot be open-ended. Congress should have insisted long ago that the limits on that commitment be publicly shared and well understood.

The Iraq money in this bill is described as a bridge fund. Congress and the American people have a right to ask: A bridge to what? A bridge to where? The report required by my amendment would have built on the report request in the recently enacted supplemental appropriations bill and help answer that question, and that request was agreed to in a bipartisan way. This is really an endorsement of that, taking it from report language, putting it into law and raising its profile so the administration knows that it must answer those questions in the supplemental.

Republicans apparently prefer to keep their heads in the sand and continue to provide money for the Iraq War with no questions asked.

Congress did not discharge its responsibility to oversee these policies at the start of the war, and it has not done so since. The American people deserve better. More importantly, Mr. Chairman, our troops who serve in harm's way deserve better. They are owed more by those who sent them there than lack of planning.

We must do everything in our power to honor our obligation to our troops. Only then will we be fulfilling our responsibility.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill, and therefore, violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be in order if changing existing law.''

The amendment gives affirmative direction. I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman wish to be heard on the point of order?

Ms. PELOSI. Mr. Chairman, I do have a question to follow up on the distinguished gentleman's point of order, and that is, almost the same language was contained in the supplemental that passed the House a few weeks ago, and I do not know why the criteria that he establishes here for my amendment would not have then applied then and if that, in fact, does not serve as a model for us now.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this amendment includes language imparting direction to the President. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. DOGGETT

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

The Clerk read as follows:

Amendment offered by Mr. DOGGETT:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for activities in Uzbekistan.

Mr. DOGGETT. Mr. Chairman, this Defense bill has many good aspects, but I believe that it does contain at least one soft spot that undermines the high level of security that our families demand.

The safety of our families is just too important to be dependent on the word of a terrorist. Unfortunately, that is what this administration has done in a little known corner of the world called Uzbekistan. In a desperate search for allies against terrorism, the administration has actually teamed up with the chief terrorist in that far away land, its President Islam Karimov.

Before the Bush administration befriended him, Mr. Karimov was known for his rather peculiar habit of boiling alive some of the local opponents to his police state. In what President Bush's own State Department described in February as an atmosphere of repression, where torture was common, other favored methods of dealing with differing opinion in Uzbekistan includes suffocation, electric shock, rape, sexual abuse. However, beating, according to the State Department, is the most commonly reported method of torture.

Another tactic that perhaps Mr. Karimov learned through his earlier tenure on the Soviet Politburo is the practice of having local political and human rights activists declared insane to stop their activities. A woman in Tashkent, for example, was committed to a psychiatric hospital, apparently in part for asking that her neighbors' taxes be reduced. Radio Free Europe and Radio Liberty reported that torture, and the fear of it, may even serve as the primary tool of controlling society in Uzbekistan.

Most recently, the Uzbek dictator participated in what is known as ''Bloody Friday,'' where hundreds of men, women and children were murdered on May 13. Since then, he has successfully led efforts to thwart any independent investigation.

The New York Times reported on Saturday that ''Uzbek Ministries in Crackdown Received U.S. Aid.'' The United States has provided extensive aid to the very Uzbek ministries and the types of units that took part in this murderous May 13 crackdown.

To those who say, well, ''he is a thug but he is our thug,'' I would say that this is no way to ensure the protection of our families. Even to those in this administration whose interest in human rights has waned significantly in recent years, I would say that when you place the future of our families in the hands of someone who can cling to power only by killing, maiming, and boiling his opponents, you place our future in very unreliable hands, and we already have another example of this thug's unreliability.

Mr. Karimov's decision recently to deny nighttime flights and heavy cargo flights into our K–2 air base in southern Uzbekistan. Apparently, these restrictions result from the fact that Mr. Karimov is peeved at the Bush administration because they have not yet spent all the $42.5 billion appropriated for the K–2 base, and they just soft-pedaled international criticism of the latest round of murders, instead of fulfilling his desire that they remind the world what a big buddy of America he is.

Undoubtedly, he will be happier with the decision of Secretary Rumsfeld, reported last week in The Washington Post, to squelch a call by all the other defense ministers of NATO for a transparent, independent, and international probe of the Bloody Friday murders.

During the Memorial Day recess, three Republican Senators took an uninvited trip to Uzbekistan where they received firsthand reports of the shocking increase in Mr. Karimov's violent repression. All three of these Republicans have called for a fundamental change in our dealings with the Uzbek people and have suggested that we should reconsider long-term commitments. This amendment will accomplish just that.

As to the form of the amendment, our House rules, as we just saw with the amendment offered by the minority leader when she was thwarted in an effort to get information about Iraq, severely limit our ability to address this concern. Therefore, this particular amendment is simply worded, ''Stop all expenditures immediately.''

I have another version I would be pleased to offer, giving the administration more of the flexibility that it is always so eager to have, but whatever the specific language, I am confident that the conferees, the gentleman from Florida (Mr. YOUNG), the gentleman from Pennsylvania (Mr. MURTHA) and the people from the Senate can make any modifications they deem necessary to this amendment to ensure the orderly removal of what was supposed to be a temporary presence in Uzbekistan and to provide emergency reentry should this be absolutely necessary in the war on terrorism.

My only goal is the recognition that the United States cannot lead in the fight on terrorism by funding a terrorist. Our association with thugs like Karimov in Uzbekistan does not enhance our security. It jeopardizes that security. We should adopt this amendment because, in short, the Bush administration's terrorist in Tashkent is a security risk. We risk our security by the bad company Mr. Rumsfeld is keeping.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The gentleman, in his own discussion, has talked about the K–2 airfield. Afghanistan being one of the battlefields in the global war on terrorism. It is extremely important in order for that war to be successful.

K–2 airfield in Uzbekistan is important to our functioning in Afghanistan. It is the logistical center where we get things from here to Afghanistan that need to get from here to Afghanistan.

This amendment is a one sentence amendment and says none of the funds can be spent in Uzbekistan. We cannot afford not to have the K–2 airfield in the global war on terror and especially the Afghanistan battlefield in that war.

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

I would direct the gentleman, the chairman, for whom I have profound respect, to an editorial that appeared today in The Weekly Standard, which indicates that President Karzai of Afghanistan is more than willing to provide the bases necessary that the gentleman alludes to for the global war on terror, and I dare say I would much prefer to do business with President Karzai than with this gentleman here who is Islam Karimov.

He is the dictator who runs Uzbekistan, which is a Nation of some 25 million in central Asia, about the size of California. He is a murderer and he is a thug. He holds in his gulag some 6,000 political prisoners. He will not allow opposition parties, making any

elections a farce. He restricts freedom of religion. There is no free press, and as my friend from Texas indicated, he recently ordered the slaughter of hundreds of innocent civilians who were protesting the systemic abuse of fundamental human rights, but maybe they were lucky. At least they were not boiled alive in water.

This thug has created a culture of torture, and it has been reported in media outlets that the CIA has sent recalcitrant individuals there under the so-called rendition concept, to torture them and to provide intelligence in the war on terrorism.

Now we know that Saddam has been alluded to as the butcher of Baghdad. I would suggest that Islam Karimov can appropriately be described as the tyrant of Tashkent.

□ 1715

As the gentleman from Texas said, we have a problem. Karimov is a thug, but he is our thug. This photo to my right depicts him with Secretary of Defense Rumsfeld who has praised the thug's wonderful cooperation with the United States, and it was President Bush's former Secretary of the Treasury who expressed admiration of the thug's, and I am quoting here, ''very keen intellect and deep passion for improving the lives of his people.'' I presume he did not read the Department of State's human rights reports enumerating the abuses that the people of Uzbekistan endure on a regular basis.

In his inaugural address, President Bush promised oppressed people that we would not excuse your oppressors, and when you stand for liberty, we will stand with you, and one day this untamed fire of freedom will reach the darkest corner of this world.

Well, I would suggest that now is the time to go to that dark corner of the world called Uzbekistan and say enough. We can begin by cutting off aid, both military and economic, to this thug. We should begin to walk the democratic walk and not just indulge in the democratic rhetoric because in the end, it is in our best interest as well as the people of Uzbekistan.

A recent GAO report said, ''Recent polling data show that anti-Americanism is spreading and deepening around the world. Such anti-American sentiments can increase foreign public support for terrorism directed against Americans, impact the cost and effectiveness of military operations, weakening the United States' ability to align with other nations in pursuit of common policy objectives, and dampen foreign publics' enthusiasm for U.S. business services and products.''

Given how we are supporting this particular thug, is it any wonder that we are being charged with hypocrisy and that people doubt the President's words. This perceived hypocrisy hurts us. It undermines our credibility. And as de Tocqueville said, America is great because America is good and if America ever ceases to be good and not express its values, then we lose our greatness.

Mr. MCGOVERN. Mr. Chairman, I move to strike the requisite number of words.

I wanted to rise in strong support of the Doggett amendment. Members understand why in the immediate aftermath of 9/11, when the United States was preparing to overthrow the Taliban regime in Afghanistan, countries like Kazakhstan and Turkmenistan and Uzbekistan were considered important allies in the war on terrorism. But even then, Members expressed caution about tying U.S. interests too closely to these government which have consistently poor human rights records.

This is especially true in the case of Uzbekistan where the Karimov government, in the past few months, has wielded power with a particularly bloody hand. According to the International Crisis Group, on May 13 and 14, the government brutally suppressed a popular uprising in the eastern city of Andijan, ostensibly to quell a revolt of Islamic extremists. But instead, over 750 unarmed civilians, many of them children, were massacred.

More recently, on June 16, Human Rights Watch reported that a four-person delegation from the International Helsinki Federation visiting the eastern region were detained and forced to leave the region. This is just the latest attack against human rights defenders in Uzbekistan. In the wake of the Andijan massacre, the Uzbek government has been targeting human rights defenders and opposition leaders for arrest, beatings, intimidation and other brutal acts. This House cannot stand by silently and support such brutality. We cannot continue with business as usual and issue another blank check for Uzbekistan.

Mr. Chairman, I include for the RECORD a copy of the Human Rights Watch report titled ''Uzbekistan: Rights Defenders Targeted After Massacre.''

UZBEKISTAN: RIGHTS DEFENDERS TARGETED AFTER MASSACRE

In the wake of the Andijan massacre, the Uzbek government is targeting human rights defenders and opposition activists for arrest, beatings and intimidation, Human Rights Watch said today.

''The government harassment of human rights defenders is a transparent attempt to hide the truth about what happened in Andijan,'' said Holly Cartner, Europe and Central Asia director at Human Rights Watch.

Human Rights Watch has documented evidence of a government cover up in Andijan following the government's use of excessive force against demonstrators there on May 13. Human Rights Watch has labeled the incident a massacre.

The Uzbek government has a longstanding record of harsh treatment of human rights activists and political opponents. In just the past two weeks, Uzbek authorities have arrested at least 10 human rights defenders and opposition activists in Andijan and other cities on trumped up charges. Others have been beaten by unknown assailants, threatened by local authorities, and placed under house arrest.

Officials involved in these incidents made specific reference to the defenders' human rights activities, including their work documenting the killings in Andijan. In Tashkent and Jizzakh, numerous human rights activists have been questioned about the events in Andijan and threatened with arrest or criminal charges should they engage in demonstrations or other public activities.

On May 31, a coalition of Uzbek rights defenders issued a plea for help. The group wrote to the United Nations, the Organization for Security and Cooperation in Europe, and the European Parliament stating that persecution of Uzbek rights activists and opposition members has increased since the Andijan killings.

''We are deeply troubled by this growing crackdown on human rights defenders,'' Cartner said. ''The international community must intervene to stop this campaign and ensure the safety of human rights activists in Uzbekistan.''

Human Rights Watch has gathered information, including firsthand testimony, concerning 16 separate incidents of arrests, beatings, preventative detention and other intimidation of activists and opposition party members during the past three weeks, including many in Andjian province.

On Tuesday, June 7, Andijan police detained Hamdam Sulaimonov, deputy chairman of the Fergana Valley branch of the opposition party Birlik (''Unity''). After searching Sulaimonov's home, police seized his computer. He was interrogated about the distribution of a statement about the Andijan events by Birlik party chairman Abdurakhim Polat during a U.S. Helsinki Commission briefing on Uzbekistan in Washington on May 19. Sulaimonov was released on bail, but yesterday was summoned for additional interrogation.

On June 3, police arrested Mizaffarmizo Iskhakov, a longtime human rights defender and head of the Andijan branch of the human rights group Ezgulik (''Goodness''). Police seized human rights publications and a computer during a search of Iskhakov's home on June 2. Iskhakov was released on bail on Monday, but police retained his passport and ordered him not to leave the city.

On June 2, Andijan police also arrested Nurmukhammad Azizov and Akbar Oripov of the Andijan branch of Birlik. During searches of the men's homes, police confiscated human rights publications and computers containing a copy of the Birlik statement about the events in Andijan. Azizov and Oripov remain in custody.

On May 28, authorities in Andjian arrested two members of the Markhamat district branch of Ezgulik: the chairman, Dilmurod Muhiddinov, and Musozhon Bobozhonov. They also arrested Muhammadqodir Otakhonov, of the Uzbek branch of the International Human Rights Society. Police seized human rights materials and copies of the Birlik statement about the events in Andijan from the men's homes. The men are being charged with ''infringement of the constitutional order,'' ''forming a criminal group,'' and ''preparation and distribution of materials containing threats to public order and security.'' They remain in custody and are being questioned without the presence of a lawyer.

Saidjahon Zainabitdinov, an outspoken human rights defender and chairman of the Andijan human rights group Appelliatsia (''Appeal''), was detained on May 21. Zainabitdinov's description of the killings in Andijan was widely reported in the media. He remains in custody.

The government campaign against human rights defenders has also spread to other Uzbek cities.

On Sunday, June 5, according to the Human Rights Society of Uzbekistan

(HRSU), Uzbek security agents arrested Norboy Kholjigitov, a member of the HRSU, in the village of Bobur near Samarkand on charges of corruption. Kholijigitov's whereabouts remain unknown.

On June 4, police in Karshi arrested Tulkin Karaev, a human rights activist and journalist, and sentenced him to 10 days of administrative arrest. Karaev is one of the few independent Uzbek journalists who has covered the events in Andijan. The HRSU reported that pretext for the arrest was provided when an unknown woman accosted Karaev at a bus stop and then claimed that Karaev had threatened her. Karaev has been denied contact with his lawyer.

On May 30, two unknown men in civilian clothing beat Sotvoldi Abdullaev of the Uzbek branch of the International Human Rights Society outside his house in Tashkent. The assailants had been monitoring the house from a parked car for several days in attempt to prevent Abdullaev from leaving his house. Abdullaev suffered a severe concussion as a result of the beating and was hospitalized.

On May 29, 30 armed policemen beat and detained approximately 17 members of Ezgulik from the Fergana Valley area who were participating in a seminar in Tashkent, calling them ''Andijani terrorists.'' The activists were forcibly transported back to the Fergana Valley. The event's organizer, Vasila Inoyatova, head of Ezgulik and a senior member of the Birlik opposition party, was detained by police together with her family. They were released the next day.

On May 28, Samarkand police arrested Kholiqnazar Ganiyev, head of the Samarkand province offices of both Ezgulik and the Birlik, on charges of ''hooliganism'' and sentenced him to 15 days of administrative arrest. A group of women, apparently government provocateurs, attacked Ganiyev's house and then brought charges against him when he asked them to leave.

On May 26, a police official in Jizzakh came to the home of Tatiana Dovlatova, an activist with the Society for Human Rights and Freedoms of the Citizens of Uzbekistan, and aggressively demanded that she go with him to the prosecutor's office. She refused to go unless provided with an official summons. The official then placed her under armed house arrest for the day and threatened to send her to a psychiatric hospital if she attempted to leave.

On May 22, 70 people, including representatives of various government agencies, forcibly entered the Jizzakh home of Bakhtior Kamroev, chairman of the Jizzakh province branch of the Human Rights Society of Uzbekistan. The crowd conducted a Soviet-style hate rally against Khamroev right in his home. They accused him of being a traitor for passing information to Western organizations, including human rights groups, and of being a ''Wahabbist'' and a ''terrorist.'' The authorities also pressured Kamroev to leave Jizzakh and made threats against his life and against his family.

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

Mr. MCGOVERN. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, I would just note that even those individuals, who may be concerned more about that air base than whether hundreds of people were murdered, raped, suffocated or boiled alive, I think the point here is not just about human rights, it is about the security of American families.

When we rely on a thug like Karimov, we end up with him squeezing us, just like he is doing now by not letting us have nighttime flights at the K–2 base, not letting heavy cargo planes come in. His limitations are imposed not on the basis that we have criticized him, but that we have not done enough to praise him. We have a base in Kyrgyzstan, we have bases in Afghanistan. We have other ways of continuing the war on terrorism, but we make a mistake when we put the security of our families in the hands of someone who is a terrorist himself.

And how ironic that we would be doing this at the same time the recent elections in Iran were criticized by the administration for not being fair enough. There is no danger that Uzbekistan will ever get to the level of Iran. At least Iran has elections, however deficient they may be. We do not have that in Uzbekistan.

In short, the administration says democracy is on the march, but in Uzbekistan it is democracy that is getting marched on. I believe we jeopardize our security by contributing to what is a boiling pot. That pot is, Mr. Karimov's method of dealing with his opponents. When that pot eventually boils over, we will lose more than an air base. We will be burned by the injustice that he has been a part of and that is why I offer this amendment.

Mr. MCGOVERN. Mr. Chairman, the gentleman from Texas is absolutely right, and that is why Members should support the Doggett amendment.

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

Mr. MCGOVERN. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Chairman, I would just point out to my colleagues that in the 1980s we dealt with a thug by the name of Saddam Hussein because we believed we had common mutual interests, particularly during the course of the war between Iraq and Iran.

During the late 1980s and early 1990s, we allied ourselves with Osama bin Laden against the Soviets, and what did we get for it. Let us be careful.

Mr. MCGOVERN. Mr. Chairman, I urge my colleagues to support this amendment. As the gentleman from Texas (Mr. DOGGETT) and the gentleman from Massachusetts (Mr. DELAHUNT) pointed out, this is about human rights, but it is more about our long-term national security interests, and it seems to me that we need to take a different approach here.

Mr. MURTHA. Mr. Chairman, I move to strike the requisite number of words.

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

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

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

Mr. DOGGETT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. DOGGETT) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. DEFAZIO:

Page 117, after line 5, insert the following title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10_____. None of the funds made available in this Act may be used to initiate military operations except in accordance with Article I, Section 8 of the Constitution of the United States.

Mr. DEFAZIO. Mr. Chairman, my amendment is simple. Let me read it in its entirety. ''None of the funds made available by this Act may be used to initiate military operations except in accordance with Article I, Section 8 of the Constitution of the United States.''

The intent of this is simple: To prevent the President from committing U.S. forces to additional wars without first coming to Congress for a vote authorizing such military action. If the President wishes or feels it is necessary to have a war with Syria, Iran, North Korea or any other nation, then under the U.S. Constitution and my amendment, he must first come to Congress.

Some will try and argue that this would tie the hands of the President and the Pentagon and the CIA when it comes down to tracking down al Qaeda. My amendment would not impact the government's ability to hunt, apprehend or kill members of al Qaeda. On September 18, Congress adopted a broad authorization of force that says the President is authorized to use all necessary appropriate force against nations, organizations, and persons he determines planned, authorized, committed, aided the terrorist attacks, or harbored such organizations or persons in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

Referring back to the preceding list of countries, if the President could demonstrate that any of them were involved in 9/11, he would not need further authorization from Congress. Nor would my amendment impact on our ongoing military operations in Iraq. On October 16, 2002, Congress authorized those actions under the United States Constitution.

Further, there are those who would say what about covert activities? It is important to note that title 50, United States Code, section 413, already provides Congressional authorization pursuant to amendments in 1980 to the National Security Act of 1947, for the President to authorize covert operations under certain circumstances on behalf of the United States.

In other words, if my amendment passes, the President will still have all of the authorization from Congress he needs to actively pursue al Qaeda operations in Iraq and other terrorist activities around the globe.

The amendment simply seeks to reinforce war powers granted solely to Congress under the U.S. Constitution to ensure the President cannot launch a major war against Iran, Syria, North Korea or any other nation without a vote from Congress.

Some will say, Is that really necessary? On April 18, 2002, in response to a letter I and other Members sent to the President about the need to authorize the war with Iraq, I received a letter from then-White House counsel Alberto Gonzalez, now Attorney General. Mr. GONZALEZ stated that the President has broad Constitutional authority as Commander-in-Chief, and as the sole organ of the Federal Government in foreign affairs to deploy the Armed Forces of the United States, a formal declaration of war or other authorization from the Congress is not required to enable the President to undertake the full range of actions that may be necessary to protect our national security. That is an extraordinarily broad assertion not supported by a President after more than 200 years of interpretation of the Constitution.

So I feel my amendment, as narrow as it is, is necessary to protect the war powers separation of the President as the Commander-in-Chief. The Congress of the United States has the sole authority to declare war, except in case of sudden attack upon the United States, its citizens, or armed forces. Ample opportunity exists for the President to continue to pursue al Qaeda and others and the war in Iraq under this amendment.

I urge my colleagues, if they support that interpretation of the Constitution, which is broadly acknowledged by most legal scholars, except Mr. GONZALEZ, and I do not know if he is a legal scholar, and would uphold our authority.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the war we are involved in now is not a war against a country or against an armed force that is organized and structured and representing a country. We are in a war against terrorism. We did not start the war. They started it. The terrorists started it when they attacked the World Trade Center, when they attacked the Pentagon, attacked the USS *Cole*, attacked Khobar Towers, which housed our airmen. They started it in many, many ways.

But who would we declare war against for the World Trade Center or for the USS *Cole*? They were acts of terror. They were not acts by some nation or some organized military.

This amendment sounds good. I can almost be persuaded, but it just does not work. Let us suppose our military intelligence detected that an enemy of the United States was preparing to take military action against our country or our troops overseas. We could not take military action to prevent that attack without a specific declaration of war.

□ 1730

It might be too late then. Prohibiting initiating military operations could be read to prohibit military action to capture, kill, or pursue terrorists who are operating in a third country, not as part of that country but operating within the country, which is what they do. Even if that country is a friend of ours, they would still operate within that country.

Do you really want to say that we should not try to capture or kill Osama bin Laden if we find that he has traveled to a country where we currently do not have ongoing military operations? I think we hunt Osama bin Laden no matter where he is, a friend or a foe or anyplace else. Waiting for formal congressional approval for such military action might mean we miss the opportunity to capture the man who is responsible for thousands of American deaths. On its face, it sounds like a pretty good idea; but it just does not work in the type of world that we live in today, in the type of enemy that we face today, the enemy that has killed so many innocent Americans right here in our own country.

This is not a good amendment, and it should be defeated.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment. I appreciate what the gentleman from Oregon is doing, and I know what he has in mind. I know in 1991, President Bush had a number of us at the White House. He did not think he needed to come to Congress, but he did.

I know that this last war, a number of people from the former administration called me, from the former Bush administration, called me and asked me to talk to the President about making sure he came to Congress and came to the U.N. before they went. So I understand what the gentleman is trying to do. I cannot imagine a President going into an independent country, and we have been trying to keep as close ties as we can in this bill on the President or the administration when they try to go into these other countries. I know that they thought they could go before, and they did not.

And so I would say to the gentleman, I would hope that he would believe that Congress would have a role and we certainly have to fund it, so at any time we could just not fund it. Our role is a big role, and I know to stop the Vietnam War, the funding was reduced substantially. I can remember the exact incident on this floor when that happened. The public was for it up to a point. The public has turned against this war, as all of us know, in Iraq. But we still have some problems.

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

Mr. MURTHA. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I know the gentleman from Florida's speech was written by his staff, but he said that we could not pursue Osama bin Laden. If he had listened to my speech where I quoted back legislation that he voted for and I voted for which authorized the war with Afghanistan, it went on to the fact of any nation that harbors such organizations or persons in order to prevent any future acts of international terrorism. That pretty well covers Osama bin Laden.

I do not appreciate the gentleman raising these bizarre allegations. He may disagree with me, he may want to cede this authority to the President of the United States and abdicate our constitutional duties. That is fine. But do not raise these false issues. It does not go to Osama bin Laden. He is already covered. It does not go to Iraq. It is already covered. It does not go to a third country that is potentially threatening or any group threatening the United States. That is covered under war powers.

Mr. MURTHA. Mr. Chairman, reclaiming my time, I understand that, but what I am saying is under the Constitution we have a responsibility. I do not think any of us want to cede that responsibility to any President, no matter if he is Democrat or Republican. The only time it happens is when we may be misled or something like that, but as a whole the Congress wants to do what is right. I would be very concerned if we passed something that might limit us here.

I appreciate the passion of the gentleman. I feel the same way. I feel just as strongly as he does, that the Congress has the ultimate say about whether we go to war. I would urge the Members to vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

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

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

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and

Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

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

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, the amendment I am offering deals with the issue of the outsourcing of torture. It is identical to amendments that this House has previously approved to the emergency supplemental appropriations bill in March and the State-Justice appropriations last week. Very simply, it states that none of the funds appropriated in this bill may be spent in contravention of laws and regulations adopted to implement the convention against torture.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman. I thank the gentleman for yielding.

I want to say to him that this is a good amendment. As the gentleman pointed out, it was agreed to overwhelmingly in the supplemental. We accept the amendment.

Mr. MARKEY. I thank the gentleman for his acceptance. I will try to conclude briefly on my time so that the House can understand what it is that they are accepting.

The convention against torture is a treaty signed by the United States under President Ronald Reagan, and it was ratified by the Senate in 1994. It prohibits any use of torture or other cruel or degrading treatment. It also prohibits the outsourcing of torture by sending people to any country where there is a reasonable likelihood that they will face torture.

My amendment simply ratifies America's commitment to the convention. It does not change current law. It is a simple funding restriction aimed at underscoring to all of the defense and intelligence agencies funded under this bill that they need to ensure that all of their activities are fully compliant with America's treaty obligations and with the requirements of United States law and regulation.

It is wrong for the United States to capture prisoners, put them on Gulfstreams and fly them to Syria or Uzbekistan with the assurance given by those countries which we know are human rights abusers that they will not torture prisoners. If the United States captures a prisoner, we should keep that prisoner in our possession, or send him to a country which has the same values which we have. But it would be wrong to continue to engage in a process where we send these prisoners to Syria, for example, which administers electrical shocks, pulling out of fingernails, forcing prisoners to engage in inhumane acts.

I thank the chairman of the subcommittee for his acceptance of this amendment.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

(Ms. WOOLSEY asked and was given permission to revise and extend her remarks.)

Mr. Chairman, I rise in strong support of the Markey amendment to the Defense Appropriations Bill. This important amendment prohibits defense funds from being used for torture, or to transfer prisoners-of-war to countries that employ the use of torture. That should be a simple decision, a "no brainer" vote for Markey—stop funding torture. Vote against Markey—agree to funding torture.

This decision is important because the way we treat our enemies speaks volumes about our character as a Nation, as Americans. I am embarrassed to say that America's treatment of prisoners over the last several years does not speak highly of our national integrity, of the people we really are.

Over the last 2 years, news of prisoners being mistreated, beaten, sexually assaulted, and even killed while in U.S. custody has become all too commonplace and I fear we have yet to hear the whole story.

Prisoners have been tortured in Iraq, Afghanistan, and Guantanamo Bay. Considering the widespread use of torture, no one can claim that these are isolated incidents, that it's merely the work of "a few bad apples."

The fact that torture occurred in separate places, and under the command of different interrogators, leads me to believe that a more systemic failure took place, a system that starts from the very top, not from a few misguided enlisted personnel.

You could say that the turning point—the day torture became a routine tactic employed by the United States—was August 1, 2002. The day the Justice Department sent a memo to the White House, stating that torturing terrorists in captivity "may be justified."

It's not just that physical abuse has taken place under our watch. That's bad enough, but what is just as appalling is that legal abuses have taken place here at home. We have kept people in prison for more than 3 years without charging them with a crime, and the administration has affirmed this practice through legal memos.

This approval of torture—by the White House, the Pentagon, and the Justice Department—is not only shameful, it also endangers the United States.

At a time when the U.S. is courting the support of the international world—particularly the Arab world—the torture of foreign prisoners, along with our invasion of Iraq, gives the world's extremists what they believe to be a legitimate reason to hate the United States. There has been no better recruiting tool for al Qaeda than preemptively attacking Iraq and the events at Abu Ghraib prison in Iraq.

Mr. Chairman, we must end this shameful chapter in our Nation's history by pledging that the United States will not engage in the act of torture. I urge all of my colleagues to vote for the Markey amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to carry out sections 701 through 722 of the Small Business Competitiveness Demonstration Program Act of 1988 (Public Law 100–656; 15 U.S.C. 644 note).

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

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the Federal marketplace has experienced amazing growth over the past 4 years, increasing by $100 billion. Given this increase, it would only be logical that our Nation's small businesses would see similar growth in contracting opportunities. However, this has not been the case. The reality is that small firms continue to be shut out of the Federal marketplace. The Federal Government has failed to reach its small business goal of 23 percent for the past 4 years now, costing small businesses $15 billion in lost contracting opportunity in fiscal year 2003 alone.

The Department of Defense has been an agency that has had a significant amount of trouble with this. One of the main causes has been contract bundling, which is the practice of combining contracts previously performed by small businesses into one megacontract that is simply too large for small firms to bid on. But often overlooked is that a significant contribution to the inability of the Department of Defense to make its goal is the comp demo program.

The comp demo program was created in 1989, but was made permanent during the Clinton administration under the guise of increasing small business participation. The theory behind it was to give agencies direction in finding small business contracting opportunities in nontraditional industries. This would be done by capping the amount of contracts in those industries that have been historically dominated by small businesses.

However, this is not what the program has done. Instead, it has limited small business participation in the Federal marketplace. The comp demo program diverts contracting opportunities to large firms, effectively limiting

the ability of small companies to compete. While DOD is required to meet a 23 percent small business goal, the comp demo program ties its hands and restricts awarding contracts in the industries where small businesses excel. At a time when agencies are already struggling to meet their small business goals, this simply makes no sense. For an agency that represents 70 percent of all government contracting, this is clearly having a negative impact on our Nation's entrepreneurs.

The reality is that this program simply does not work, and this program has been recognized by the administration and the Department of Defense themselves. They proposed to eliminate the comp demo program altogether in the DOD's legislative package for 2006.

My amendment acknowledges the problem and provides a viable solution to fix it by prohibiting the use of funds for fiscal year 2006 to implement the comp demo program. This is supported by the Associated General Contractors, the American Nursery and Landscape Association, the National Small Business Association, and the National Black Chamber of Commerce. This action alone would have the impact of awarding some $4.3 billion in additional contracts to small businesses.

In today's Federal marketplace, small businesses are losing traction, and they cannot afford to be deprived of these opportunities. The comp demo program is only making small business owners' struggle to break into the Federal marketplace all the more difficult. By adopting this amendment, we will be taking a step to fix this problem. When small businesses say the program does not work, DOD says it and the administration is saying it, clearly something needs to change.

My amendment will do this. It is not only good for small businesses but also for the taxpayer and our Nation's economy. If we want to get this economy back on track and create the jobs we need, then we must give small business the opportunity and tools to do so. The comp demo program is simply not doing that, and it needs to end.

I urge my colleagues to vote ''yes'' today on this amendment for better use of the taxpayers' dollars and to help our Nation's small businesses compete in the Federal marketplace.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I really appreciate the concerns of the ranking minority member of the Committee on Small Business. I know exactly what she is trying to do here, because I understand that the Defense Department also would support suspension of the small business competitive demonstration program. But it is also my understanding that the chairman of the Committee on Small Business supports its continuation. To me, this appears to be a dispute between the chairman and the ranking minority member of the authorizing committee. It seems to me that it should be addressed on an authorizing bill rather than on the appropriations bill. The appropriations committee is being asked to referee a program where we do not really have sufficient knowledge of the program.

I just wonder how the gentlewoman would react if I suggested that she might withdraw her amendment and work with her chairman on these matters of concern. It seems to me the Committee on Small Business is the proper place to adjudicate this matter.

□ 1745

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, unfortunately, the authorizing committee was not able to come together for the small business authorization to report a bill out of our committee. And for those people and Members who are always talking about helping small businesses and providing opportunities in the Federal marketplace and when the Department of Defense is saying that this does not make sense, this is an opportunity to do it, and this is why I want a ''yes'' vote on this amendment.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, believe me, I understand the gentlewoman's concerns. As I suggested, the Department of Defense understands that concern as well. But it was just a suggestion that maybe we could have the two of them work this out. But, anyway, I have made my suggestion.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Let me say to my friend from New York, I appreciate very much the intention of the amendment. I have got to oppose it in its current form. It seems to me that this Act has some very good attributes to it, and the argument may be in some of the designated industry groups that are listed.

One of the problems is that the participating agencies currently will designate areas that are currently dominated by small businesses as small business set-asides. These are areas that in full and open competition, small businesses are going to win anyway, and by using their percentages in these areas, it means that small businesses who could use the set-asides in other areas are not able to use it. So I think what we have here is the law of unintended consequences.

We are taking areas such as lawn services, roofing, siding contractors, glass and glazing contractors, masonry, areas that in full and open competition, small businesses are winning by overwhelming margins; but the agencies are taking these areas and saying we are going to designate these as small business set-asides and use their percentages in these areas, and that means that small businesses cannot penetrate other areas.

So it is really for these reasons that I rise to oppose the amendment, because I think it shifts the burden in these cases where small businesses are currently winning open competition, and it uses the allocation for set-asides into these areas that I think small businesses could benefit in other areas, in some of the technology areas, in some of the IT areas. That is my concern.

Let me just make one point. I think the argument ought to be some of the designated industry groups in this case where maybe we see large businesses coming in and taking over, and we could work under those areas appropriately if the case can be made that small business dominance in these areas is not hit, but without that we have not added a nickel to what small businesses get under the set-aside programs. We have not added a percentage. We just shift the burden.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, before the Comp Demo program, small businesses in those selective industries were making 78 percent of all the contracts. Right now they are doing only 38 percent, almost cut in half. And, besides, I thought that the gentleman represented the party where people are rewarding small businesses or businesses that are exceeding. So now if they are doing a little bit better, then we are going to punish them?

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, absolutely because what happens is when we shift the small business set-aside allocations into these programs, we are taking it away from other programs, these areas where small businesses are designated.

I do not know about the gentlewoman's percentage of 78 percent 38 percent, but what I would argue is if there is an issue here, I know I would be happy to work with her, and I am sure the chairman of the Committee on Small Business, to look at some of these designated industry groups where perhaps small business is not dominating and was intended to, and we work on that rather than gutting the whole provision. That would be the approach that I would take. I would be happy to work with the gentlewoman on that.

But this amendment guts the whole program, and I think ultimately it is not good for the government because I think the government is not getting small business set-asides in some of the innovative areas where they can go and they are giving it to areas where small businesses tend to dominate in full and open competition. So that is my rationale for opposing the amendment.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, this is about economic opportunity for small businesses. The fact of the matter is that the Federal marketplace is

growing and that small businesses are losing out; that their number of dollars and contracts are shrinking, and the Federal Government is not achieving the 23 percent statutory goal set by Congress.

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, this does not add a percentage. This does not add a nickel to the small business set-aside program. It does not add a percentage. It just shifts the burden. And the argument ought to be going into the particular designated industry groups where the gentlewoman is claiming small businesses used to dominate and are losing out, and let us look at those and let us try to be fair in that way.

But for heaven's sake, in areas like lawn care, in some of these services levels that are low tech, let us not set aside small businesses set-asides there where small businesses dominate in full and open competition. Let us put them in areas where we can improve it.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, the Department of Defense is saying that immediately small businesses will get $4.4 billion if this is fixed.

Mr. TOM DAVIS of Virginia. Mr. Chairman, reclaiming my time, they may get it here, but they will take it away from set-asides in other areas because the overall set-aside percentages in these participating agencies does not change at all. So the problem with that is that we are shifting it and we are moving the small business set-asides into areas that small businesses also dominate.

I will refer the gentlewoman, frankly, to the statute in the areas that are the designated industry groups under the statute, and I think it is clear looking at this that many of these areas, siding contractors, roofing, masonry, framing contractors, these are areas that are traditionally dominated by small business and will continue to be.

But I will be happy to work with the gentlewoman on designated industry groups and changing that around if she can make the case.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this Velazquez amendment is an effort to kill the Small Business Comp Demonstration program. The issue is more appropriately settled in the authorizing committee and not on an appropriations bill.

First of all, the Comp Demonstration program does not cost the taxpayers one dime. There is no money appropriated for it. The Small Business Competitive Demonstration program began in 1988 with three purposes: first, to help emerging small businesses; second, to expand the participation of small businesses and industries that were traditionally dominated by large businesses; and, third, to test the competitiveness of small businesses in industries in which small businesses are well represented. The Comp Demo program was renewed in 1992, made permanent in 1997, and slightly expanded in 2004 as a part of larger bills that passed by wide margins or unanimous consent.

Prior to the adoption of the Comp Demonstration program, small businesses were relegated to industries dominated by small businesses. Federal agencies could say they met their overall small business goals while not doing much to provide more contracts to small businesses in more higher-end, higher-paying industries. The Comp Demo program ended this practice all while showing that small businesses are still competitive in the industries where they have been historically well represented. These industries include construction, garbage collection, architectural engineering, surveying and mapping, non nuclear shipbuilding and ship repair, landscaping, and pest control. The Comp Demo program requires that small businesses receive a ''fair proportion'' of government contracts in each industry rather than just a few.

The principles upon which the program were established are still valid. Emerging small businesses still need help. Small businesses need to participate in industries in which they have traditionally not had a chance to obtain a Federal contract.

I would urge my colleagues to vote ''no'' on the Velázquez amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Chairman, not very often will Members hear me contradict the ranking member of the Committee on Small Business. But I rise in opposition to this amendment and will include my entire statement in the RECORD.

I rise in opposition to this amendment, even though I have the utmost respect for its author and have long appreciated her work and her leadership on so many issues which have come before this House.

But the amendment before the House today attempts to effectively repeal the Small Business Competitiveness Demonstration Program Act of 1988, better known as the ''Comp Demo'' law, by prohibiting the use of funds to carry out its implementing provisions.

Comp Demo has not been an effective tool for over 17 years in helping assure that small businesses across a wide array of industries gain Federal contracts. Equally important, Comp Demo does not affect contracts which are set-aside for minority-owned, socially disadvantaged, and service-disabled veteran-owned businesses.

From its inception, the Comp Demo law has sought to address the tendency of agencies to disproportionately rely upon a small number of NAICS codes to meet their small business set-aside goals rather than finding and developing a broad array of codes from which to meet these goals, a practice which, if unremedied, would have the practical effect of precluding small businesses outside those disproportionately used industries from assessing the benefits of the small business set-aside program.

And that is why I oppose this amendment. The Comp Demo law has proven its effectiveness during its 17-year history. It is fair to small businesses interested in Federal contracting and assures that Federal agencies meet the spirit and the letter of the law regarding small business set-asides.

I agree with those who would suggest that this program, as well as practically all, need to undergo changes and need to be shaped in a better way to help make absolutely certain that small businesses have the greatest amount of opportunity to procure business from the Federal Government.

However, I also believe that small businesses that have reached a certain level of their being also need the opportunity to continue to grow and to develop, that small businesses that might be part of franchises but are nevertheless small businesses need the opportunity to participate.

And for those reasons, I would be in disagreement with this amendment. I urge that it be not approved and would look forward to working with all of those who would want to work to try to reshape the law in such a manner that it would be more fair and more equitable to small businesses.

Mr. Chairman, I rise in opposition to the amendment by the gentlelady from New York, Ms. VELÁZQUEZ, and I ask unanimous consent that my entire statement be included in the RECORD.

I rise in opposition to this amendment even though I have the utmost respect for its author and I have long appreciated her good work on so many other issues which have come before this House.

The amendment before the House today attempts to effectively repeal the Small Business Competitiveness Demonstration Program Act of 1988, better known as the ''Comp Demo'' law, by prohibiting the use of funds to carry out its implementing provisions.

Comp Demo has been an effective tool for over 17 years in helping assure that small businesses across a wide array of industries gain Federal contracts. Equally important, Comp Demo does not effect contracts which are set aside for minority-owned, socially disadvantaged and service disabled veteran-owned businesses.

From its inception, the Comp Demo law has sought to address the tendency of agencies to disproportionately rely upon a small number of NAICS codes to meet their small business set-aside goals rather than finding and developing a broad array of NAICS codes from which to meet those goals—a practice which, if unremedied, would have the practical effect of precluding small businesses outside those disproportionately used industries from accessing the benefits of the small business set-aside program that Congress intended.

That is why I oppose the amendment before the House today. The Comp Demo law has proven its effectiveness during its 17-year history. It is fair to small businesses interested in Federal contracting and assures that Federal agencies meet the spirit and the letter of the law regarding small business set asides.

As background, Members should be informed that the Comp Demo program was passed in 1988 to assure that small businesses in all product and service categories receive the benefits of the current Small Business Set Aside program when pursuing Federal contracts, rather than just a few, ''easy-to-do'' industries.

As such, Comp Demo has effectively worked for the past 17 years to assure that competition and diversity occurs in small business procurement (See: section 921 of P.L. 99–661) and that small businesses receive a ''fair proportion'' of government contracts in each industry, rather than just a few.

The Comp Demo program recognizes that contracts in certain NAICS codes—including construction, architectural and engineering, surveying and mapping, shipbuilding and ship repair, refuse systems, landscaping and pest control services—have had a history of being disproportionately set aside for small business, even though overall small business participation in the open marketplace in these industries was high.

And while the NAICS codes covered by the Comp Demo program had a significant amount of contracts historically set aside for small business, very talented small businesses in many other NAICS codes have seen little, if any, small business set-aside contracts come their way, despite representation of capable small firms in those other NAICS codes.

Moreover, the practice of disproportionately using a small, unrepresentative sample of NAICS codes for meeting small business set-aside goals has the practical effect of precluding small businesses outside those disproportionately used industries from realizing the benefits of the small business set-aside program as Congress intended.

This practice can also operate to relegate the small business set-aside program to lower-tech products and services while leaving higher-tech NAICS codes less open to small business penetration and success in Federal contracting—something that clearly runs contrary to Congress's desires to both strengthen the diversity of the defense industrial base and assure fairness in Federal contracting.

On the basis of its operation over 17 years, Comp Demo has shown that small businesses covered by Comp Demo can and do compete for and win the majority of the contracts, though on an unrestricted basis. Equally important, Comp Demo does not effect set asides for:

Minority-owned and socially disadvantaged businesses—that is, set asides for 8(a) and HUB Zone companies are not subject to the Comp Demo law.

Similarly, Comp Demo does not apply to set asides for service-disabled veteran owned businesses either.

In addition, very small/local businesses retain important set-aside protections under Comp Demo as well, including:

All contracts under $25,000 on the Comp Demo list must be set aside for restricted competition only among qualified emerging small businesses, i.e., small businesses that are less than 50 percent of the applicable size limit.

Moreover, Comp Demo also requires that all contracts over $25,000 in each designated NAICS category on the Comp Demo list must be set aside for restricted competition only among qualified small businesses, until the agency has met its goal of awarding 40 percent of contracts within that industry group to small businesses.

Only after an agency has met its goal of awarding 40 percent of contracts within a listed NAICS category can contracts over $25,000 in that designated NAICS category be awarded on unrestricted competition—again, except for those contracts set aside as 8(a), HUB Zone or service-disabled veteran owned companies.

Finally, Comp Demo was begun as a demonstration project some 17 years ago. It was renewed in 1992, made permanent in 1997, and slightly expanded in 2004 to include two additional NAICS codes. In all instances, Comp Demo was part of a larger bill which passed by wide, bipartisan margins or unanimous consent.

Comp Demo was set up to expand opportunities for small businesses across a broad and diverse set of NAICS codes, rather than in a few, ''easy-to-do'' categories. The repeal of the program has no real justification, would harm overall, broad-based small business participation in Federal contracting, and harm the development of a diverse defense industrial base. As such, I urge its rejection by the House.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not planned on speaking on the small business issue, but let me give an area in which my friends may be able to work and not just even in this bill, but in the Military Construction bill.

In San Diego, where we have a lot of military construction in bases, a lot of those packages are put together so large that only an out-of-town, out-of-State company can bid on those packages to build houses and military facilities. And we have tried over the years to try to break it down where they can break down those large packages so that smaller firms, the independent contractors, the little guys, can have a shot and an opportunity at building those. And I would work with the gentlewoman and the gentleman to make that happen because it is just not right to have an out-of-town company because the bid is so large to do that.

I would also like to bring up the bill itself. When one is in the military, they look at a couple of things. One, they look at a Congress that will give them the tools to fight, to train, and to win. The gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. LEWIS), it is the most bipartisan committee that we have, I think, in this House. The work that they have done to make sure that our troops are taken care of, even the ones coming back. The gentleman from Florida's (Mr. YOUNG) wife, I do not think there is a day that she is not out there at one of the hospitals comforting the men or the women that came back that are wounded. But even more in this, for San Diego to shipbuilding, ship repair, Admiral Clark, who is CNO, has done his absolute best to make sure that it is balanced between the private and the public yards, between the east and the west coast.

□ 1800

There is an aircraft in here that is key. There is a system called the F–22. Right now, our fighters, our best fighters, which most people do not know, the F–14, the F–16, the F–18, if they go against the SU–30 or the SU–37, our American fighters lose over 90 percent of the time, both in the intercept and in the dog fight. The F–22 gives us the opportunity to put our pilots back into an airplane that can at least go neutral with the enemy. The Joint Strike Fighter is coming up; and in my personal opinion, we need to add to that to make sure that it is viable against whatever the threat is as well.

But I also want to thank the chairman and the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from Florida (Mr. YOUNG). San Diego or any port that has a lot of bases is very critical to homeland security. From the Coast Guard to the border patrol, to INS, to this bill, they have done a good job. The gentleman from Pennsylvania (Mr. MURTHA) has been, and I have been on this committee ever since I have been here, and I want to thank him for his personal attention, the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. LEWIS) as well.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ).

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, there are some who said that capping small business opportunity in certain industries increases opportunities in other industries. That might have been the theory behind the program in 1988 when it was created, but that has not been the case. Different industries offer different opportunities; some are very favorable to small businesses.

The Department of Defense has not achieved its small business goal for the past 4 years. That is the reality. So, clearly, they are not making up the difference someplace else.

Under the comp demo program, small businesses are guaranteed 40 percent participation in the targeted industries. If the agency does not achieve 40 percent with small firms, it can reinstate small businesses' set-asides. One need look no further than the goal for architectural and engineering services, which has never been achieved. We have asked the Department of Defense. They do not reinstate set-asides when the achievement with small businesses is less than 40 percent.

Forty percent small business participation is a good thing. Normally, small businesses only get 23 percent. If a small business's participation decreases from 78 percent to 40 percent, that is the loss of 38 percent, and that is what is happening now.

The bottom line, Mr. Chairman, is, if you support small business opportunity in the Federal marketplace, you should support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

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

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) will be postponed.

Ms. LEE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today I rise to engage in a colloquy with a great leader, the gentleman from Pennsylvania (Mr. MURTHA), who, of course, is the ranking member of the Subcommittee on Defense Appropriations.

First, I just want to thank the gentleman for the very hard work that he consistently does for the security of our Nation. I appreciate this opportunity to discuss an issue that is of great importance, and that is ensuring that our Federal defense dollars are not used to support groups or individuals engaged in efforts to overthrow democratically elected governments.

Mr. Chairman, in an ideal world, we would not need to have to explicitly stipulate this, but events in Haiti last year and, more recently in Venezuela, have led me to wonder whether we need to codify this straightforward, nonpartisan position.

Furthermore, the administration has committed its second term to spreading democracy around the world. This is an important sentiment, Mr. Chairman, but we need to be sure that if this administration, or equally any future administration, does not agree with certain democratically elected governments, that it does not use the Department of Defense funds to overthrow those democratically elected governments. Such actions fly in the face of our own fundamental democratic principles.

I would like to ask the gentleman from Pennsylvania (Mr. MURTHA) if he could comment on this and what his views are with regard to the ideas that we are presenting today.

Mr. MURTHA. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I want to assure the gentlewoman from California that I agree, we certainly should not overthrow a democratically elected government. I appreciate the gentlewoman's intention in raising this issue, and I want to assure her that as this bill moves forward, we will be mindful to work with her and her staff to do everything we can to help.

Ms. LEE. Mr. Chairman, reclaiming my time, I just want to thank the gentleman for his attention to this issue and so many issues that are important to our Nation. I also look forward to working together and especially will request his help in developing a working definition in the United States Code because now, quite frankly, there is no working definition for ''democratically elected governments.'' We have been searching legal databases, and I am frankly quite surprised that no such definition exists in the U.S. Code.

Mr. HINCHEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was very pleased to see that the amendment that was offered by the gentleman from Massachusetts (Mr. MARKEY) to prevent any funds in this bill from being used to contravene the United Nations' acts and other acts against torture. I think that is a very good thing.

But I need to take this opportunity to point out to the House that we are foregoing our responsibility here to investigate these kinds of acts that have taken place over the course of the last 2 years or so in places like Guantanamo, Abu Ghraib, Camp Cropper, Bagram Air Base in Afghanistan; and we have an increasing amount of evidence indicating that these kinds of torturous activities were not just carried out incidentally by low-ranking members of the armed services, but that this was systemic and systematic.

We have, for example, recently released documents from Lieutenant General Ricardo Sanchez which seem to indicate that he approved interrogation techniques outside of the Geneva Convention, outside of international law, and outside the U.S. Army's own field manual. These activities included prolonged stress positions, sensory deprivation, use of dogs to induce stress and fear. We have the first Abu Ghraib report directed by U.S. Army Major General Antonio Taguba, who wrote in his conclusion that ''between October and December of 2003 at the Abu Ghraib confinement facility, numerous incidents and sadistic, blatant, and wanton criminal abuses were inflicted. This systemic,'' he says, ''systemic and illegal abuse was intentionally perpetrated.''

It is clear from General Taguba's reports that these were not incidental, and that they were inflicted broadly.

The Red Cross reported, by eye witnesses at about the same time, ''these methods of physical and psychological coercion were used by the military intelligence in a systematic way to gain confessions and extract information or other forms of cooperation from persons who had been arrested or deemed to have security value.'' That is a quote from the Red Cross report.

Officials implicated in abuse now, interestingly enough, are being promoted. There has been no action taken against the officials implicated in this abuse at the highest levels.

This Congress is abrogating its responsibility. This House of Representatives should be holding hearings. It may be necessary to appoint a special counsel out of the Justice Department to look into this. We need to get to the bottom of this. Our reputation as a Nation is at stake.

Now, we might ask, as others have, how did all of this begin? Well, here is what the circumstantial evidence indicates. The circumstantial evidence, backed up by the report from which I just quoted, written by Major General Antonio Taguba, shows that it originated at the highest levels of the Pentagon, communicated by Steven Cambone, who was appointed by Secretary of Defense Rumsfeld to be the first Under Secretary for Intelligence.

This is the first time that the Secretary of Defense or that the Pentagon has had an Under Secretary for Intelligence. That man is Steven Cambone. He communicated to General Geoffrey Miller, the commander of the detention and interrogation center at Guantanamo Bay, Cuba, that these kinds of activities needed to take place.

Now, General Geoffrey Miller, according to the Taguba report, said that detention operations must act as enablers for interrogation. He introduced into Iraq the exclusive and illegal interrogation tactics used at Guantanamo to ''GITMO-ize'' the prison system in Iraq. They told our good soldiers in Iraq that no rules apply, no rules apply; and then people wonder how these low-ranking individuals carried out the acts that have been documented now in court proceedings as well as in photographs.

The fact of the matter is, Mr. Chairman, that the House of Representatives is not fulfilling its obligations under the law and under the Constitution. The system of checks and balances has broken down. It seems as though the executive branch of government is behaving in a way outside of the law. We need to pay attention to this. This House needs to engage itself in the right kinds of activities for the right kinds of purposes.

AMENDMENT OFFERED BY MR. OBEY

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

The Clerk read as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), add the following new section:

SEC. ____. If funds provided in this or any other Act for military operations in Iraq or Afghanistan would cause Federal deficit levels to exceed those set in House Concurrent Resolution 95 for FY 2006 or any subsequent year, the Committee on the Budget of the House of Representatives shall report a concurrent resolution on the budget that would maintain the deficit levels set in House Concurrent Resolution 95 while including this additional discretionary spending in spending totals.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the amendment.

Mr. OBEY. Mr. Chairman, we have so far appropriated $277 billion for activities in Afghanistan and Iraq; $168 billion of that has been appropriated after the President declared an end to major conflict in the region. The budget resolution, which passed this House about a month ago, provided authority for an additional $50 billion to be spent this year for Iraq and Afghanistan. This bill spends $45 billion of that $50 billion.

The problem that we will face is that this bill is only enough to pay for that war for the first 6 months of the fiscal year. That means that when a new supplemental is submitted to the Congress to pay for the last half of the fiscal year, we will wind up having to appropriate at least another $40 billion. And when we do that, it will mean that the Congress will have, in effect, busted the budget by at least $40 billion.

So what this amendment says is that if and when that happens, and it will assuredly happen, if and when that happens, we are saying that the Committee on the Budget must then bring forth a new budget resolution which shows us how we can pay for that extra $40 billion without raising the deficit.

□ 1815

If we are not prepared to do that, then that means that we will simply slip in that extra $40 billion, without any notice by the public, without any attention being paid to the fact that what we are really doing is raising the deficit by another $40 billion.

Regardless of how any Member of this House feels on this war, Members ought to feel that if we pass a budget resolution, it ought to be a legitimate one, that it ought to be laying out honestly what we expect to spend.

Without this amendment, it will mean that we, sometime during the fiscal year, will spend $40 billion more, only we will not be admitting it on the budget resolution side. If we do not adopt this amendment, what we will really be saying is that the budget that was adopted just a month ago was a sham, that it was just a device to govern and to limit the amount of spending that we were going to be engaged in for education, for health care, for science, for agriculture, but that we intended to really bust the budget to the tune of least $40 billion when it came to the war in Iraq.

I do not think that many Members of the House would like to say that that was their position, but absent the acceptance or the adoption of this amendment, that is precisely what will happen. The administration will come up here with another budget in order to pay for the last 6 months of the fiscal year for the war, and we will have busted the budget to the tune of $40 billion and jacked up that deficit by the same amount.

The administration is fond of saying that they adopted a budget resolution which is going to cut the deficit in half. Without this amendment, not a prayer, not a prayer. So I would urge adoption of the amendment.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriations bill, therefore it violates clause 2 of rule XXI.

The rule states in pertinent part, an amendment to a general appropriation bill shall not be in order if changing existing law. The amendment gives affirmative direction.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) wish to be heard on the point of order?

Mr. OBEY. Yes, I do, Mr. Chairman.

Mr. Chairman, as I indicated earlier, the purpose of this amendment is to see to it that the House stays within the deficit levels laid out by the budget resolution passed just a few weeks ago.

The Budget Committee routinely sends instructions to the Appropriations Committee about what it must do. I think this is an instance in which the Appropriations Committee ought to send a signal back that the Budget Committee ought to conform itself to reality and budgetary honesty.

As I understand it, the rule under which this bill is being debated provides that if no Member does lodge a point of order, than indeed this amendment could be passed by the House. Unfortunately, the rule did not protect this amendment from a point of order. And so if the gentleman persists in his point of order, I will have to reluctantly concede that point of order.

The CHAIRMAN. The point of order is conceded and sustained.

The amendment is not in order.

Are there any further amendments?

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we conclude debate, all of us want to thank again Chairman YOUNG and Ranking Member MURTHA for their leadership, putting together this bipartisan bill, and especially the good men and women behind them, both of the minority party and the majority party who helped to put this appropriations bill together.

Mr. Chairman, as we consider this important legislation, we must be mindful that our troops in Iraq and Afghanistan, all volunteers, I may add, are on the battlefield as we speak, brave men and women fighting a new kind of war where everyone literally is on the front line.

As we all know, the Army and Marines are carrying the brunt of the battle in Iraq and Afghanistan, with an unprecedented level of partnership by our Guard and Reserve components. And the young men and women from the Air Force and Navy stand with them, as do we.

Their service and dedication on the battlefields of Iraq and Afghanistan are making our Nation safer from terrorists who seek to do us harm and other freedom-loving nations. Make no mistake, our success in Iraq is hugely important. And our enemies in Iraq are thinking enemies. They are adaptable and would like nothing better for us to step back, or as some say, retreat, or to set arbitrary dates for withdrawal and then come back after our departure to reinstall a new Saddam Hussein or a regime even more oppressive, fanatical or more horrendous and more dangerous than the last.

We should never forget that the soldiers we support through this appropriations have freed nearly 50 million people in Iraq and Afghanistan from killer regimes, where protests and dissent were answered by killing fields and genocide, where women were denied basic freedoms: Education, health and the right to vote.

But, of course, the loss of any young soldier from our ranks is heartbreaking. And so is the death of innocent civilians killed by roadside bombs, but we are dealing with Saddam loyalists, jihadists, imported terrorists and domestic criminals who play by no rules. And do not hesitate to bomb Iraqi weddings, funerals, gatherings of school children, and behead innocent civilians as well as kill our soldiers.

Since we are engaged in a global war on terrorism with Iraq and Afghanistan being countries of conflict and violence, our soldiers and Marines need every possible advantage as this appropriations bill allows. This legislation provides our fighting men and women with the resources they need to be more deployable, more agile, more flexible, more interoperable and more lethal in the execution of their mission.

It provides for better training, better equipment, better weapons. Of course, our bill supports the troops by providing a pay increase, enhanced life insurance coverage, and housing allowances. And this bill also provides funding for new equipment, additional trucks, radios, electronic jammers, uparmored HUMVEES, attack helicopters, warships and fighter aircraft.

Most important, this bill provides an additional $1.2 billion for personnel protection items, such as body armor. As troops rotate in and out of the theater, they need the latest equipment and weapons systems. Mr. Chairman, I also welcome increased funding for research and development. Our bill exceeds the President's budget by $2.3 billion, so we can speed important new technology from the drawing board to the laboratory, to the test bed into the arsenal of our warfighter.

My colleagues, the global war on terrorism will not be short, it will require deep and enduring commitment. As we look down the road we face many potential and real threats. We cannot know what hostile forces will face us next year, much less 5 years from now. So we must take care to ensure that we have laid the proper foundation for a secure national defense. These investments now and these appropriations will pay off in more capability in the future. They deserve to be supported.

Mr. MURTHA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have seen a lot of chairmen presiding over the House in the many years that I have been on one side or the other of this bill. And I want to tell you, you do as good as job as anybody. And my compliments to the gentleman from Michigan (Mr. CAMP) for the way you handled this bill.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word. We are not at the 6:30 time for voting yet.

Mr. Chairman, I yield to my chairman, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I thank the gentleman for yielding. I want to take just this minute to express my deepest respect and appreciation to both the gentleman from Florida (Mr. YOUNG) and the gentleman from Pennsylvania (Mr. MURTHA) for a fabulous job. We had a rather extended discussion today, which is not usual for this bill.

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

Mr. YOUNG of Florida. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. I thank the gentleman for yielding.

Mr. Chairman, you think he is kind of giving us a little business here, Mr. Chairman, on this thing here? We did the best we could do under the circumstances. Right?

Mr. LEWIS of California. Mr. Chairman, I certainly appreciate both of my friends yielding and having this discussion. But, this extended kind of dialogue and exchange we had on the floor today was one that was a very healthy discussion.

I have had many experiences here of late with my friend, the gentleman from Wisconsin (Mr. OBEY). And when I have had a great day, and when I really had a great day, it has involved a week in which we have worked our way through the processes that lead to the gentleman from Wisconsin (Mr. OBEY) and I having more than one discussion a day for several days during that week.

And I go home to California. And then, kind of taking in a deep breath on Saturday. Sunday morning I go out back, smile when I am feeling good, and I walk across the pool. And, gentlemen, I want you to know I get wet every time.

In the meantime, it is a wonder, and a wonderment working with the two of you. You have done a fabulous job. We very much appreciate the leadership on both sides of the aisle on this very important matter.

Mr. YOUNG of Florida. Mr. Chairman, I appreciate the comments of our chairman. He did such a tremendous job when he chaired this subcommittee for the past 6 years.

I want to take now just a minute, because we have, before we can start to vote, we have 2½ minutes to the 6:30 hour. This subcommittee has worked really hard and on a very bipartisan basis. We had the largest part of the supplemental early this year. We have this very large bill now, which is the largest appropriations bill in the system.

And the Members of the subcommittee, with the gentleman from Pennsylvania (Mr. MURTHA), we have had an opportunity to be the leaders of the subcommittee. But all of these Members have worked really hard and have paid strict attention to what it was that we were about, to provide for our Nation's security.

But I also want to pay tribute to members of our staff. Members of our staff, during the hearing periods and during the markup periods, they do not have weekends. They are here on weekends. They have very few hours at night with their families, because they are here many times all night long.

That is when you hear about, something was done in the dark of night. Well, my friend, if we do not do things in the dark of night, we would never get them done, so we knew we worked long days, long hours, long nights.

But the staff on both sides are just as bipartisan and nonpartisan as the Members. And this is just a really good positive subcommittee, and the work that it does is very bipartisan. We believe strongly in our country. We believe strongly in those volunteers who serve in our military, and who carry the burden of providing for the security.

I just recently attended the burial of a soldier from my district killed in Iraq. And my final comment was that you can sleep in peace tonight, America, because our heroes are out there on the front line standing guard.

And that is what this bill is all about.

The CHAIRMAN. Are there any further amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. OBEY of Wisconsin to the amendment by Mr. HUNTER of California.

Amendment by Mr. HUNTER of California.

Amendment by Mr. DOGGETT of Texas.

Amendment number 8 by Mr. DEFAZIO of Oregon.

Amendment by Ms. VELÁZQUEZ of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

□ 1830

AMENDMENT OFFERED BY MR. OBEY TO THE AMENDMENT OFFERED BY MR. HUNTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on the amendment offered by the gentleman from California (Mr. HUNTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment to the amendment.

The Clerk designated the amendment to the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 210, not voting 25, as follows:

[Roll No. 283]

AYES—198

Abercrombie	Frank (MA)	Moran (VA)
Ackerman	Gonzalez	Murtha
Allen	Gordon	Nadler
Andrews	Green, Al	Napolitano
Baca	Green, Gene	Neal (MA)
Baird	Grijalva	Oberstar
Baldwin	Gutierrez	Obey
Barrow	Harman	Olver
Bean	Hastings (FL)	Ortiz
Becerra	Higgins	Owens
Berkley	Hinchey	Pallone
Berman	Hinojosa	Pascrell
Berry	Holden	Pastor
Biggert	Holt	Payne
Bishop (GA)	Honda	Pelosi
Bishop (NY)	Hooley	Pomeroy
Blumenauer	Hoyer	Price (NC)
Boren	Inslee	Rahall
Boswell	Israel	Rangel
Boucher	Jackson (IL)	Reyes
Boyd	Jackson-Lee (TX)	Ross
Brady (PA)	Jefferson	Rothman
Brown (OH)	Johnson (CT)	Roybal-Allard
Butterfield	Johnson, E. B.	Ruppersberger
Capps	Jones (OH)	Rush
Capuano	Kanjorski	Ryan (OH)
Cardin	Kaptur	Sabo
Cardoza	Kennedy (RI)	Salazar
Carnahan	Kildee	Sánchez, Linda T.
Carson	Kind	Sanchez, Loretta
Case	Kirk	Sanders
Castle	Kucinich	Schakowsky
Chandler	Langevin	Schiff
Clay	Larsen (WA)	Schwartz (PA)
Cleaver	Larson (CT)	Scott (GA)
Clyburn	Leach	Scott (VA)
Cooper	Lee	Sensenbrenner
Costa	Levin	Serrano
Costello	Lewis (GA)	Sherman
Cramer	Lipinski	Skelton
Crowley	Lofgren, Zoe	Slaughter
Cuellar	Lowey	Smith (WA)
Cummings	Lynch	Snyder
Davis (AL)	Maloney	Solis
Davis (CA)	Markey	Spratt
Davis (FL)	Matheson	Stark
Davis (IL)	Matsui	Strickland
Davis (TN)	McCarthy	Stupak
DeFazio	McCollum (MN)	Tanner
DeGette	McDermott	Tauscher
Delahunt	McGovern	Thompson (CA)
DeLauro	McIntyre	Thompson (MS)
Dent	McKinney	Tierney
Dicks	McNulty	Udall (CO)
Dingell	Meehan	Udall (NM)
Doggett	Meek (FL)	Van Hollen
Doyle	Meeks (NY)	Velázquez
Edwards	Melancon	Visclosky
Emanuel	Menendez	Waters
Engel	Michaud	Watson
Eshoo	Millender-McDonald	Watt
Etheridge	Miller (NC)	Weiner
Evans	Miller, George	Wilson (NM)
Farr	Mollohan	Woolsey
Fattah	Moore (KS)	Wu
Filner		Wynn
Ford		

NOES—210

Aderholt	Bilirakis	Boozman
Akin	Bishop (UT)	Boustany
Alexander	Blackburn	Bradley (NH)
Bachus	Blunt	Brady (TX)
Barrett (SC)	Boehlert	Brown (SC)
Bartlett (MD)	Boehner	Brown-Waite, Ginny
Barton (TX)	Bonilla	Burgess
Bass	Bonner	Burton (IN)
Beauprez	Bono	

Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Baker
Brown, Corrine
Conyers
Ehlers
Flake
Granger
Harris
Herseth
Istook
Kilpatrick (MI)
Knollenberg
Lantos
Lewis (KY)
Moore (WI)
Platts
Reynolds
Rogers (AL)
Schwarz (MI)
Shimkus
Souder
Towns
Wamp
Wasserman Schultz
Waxman
Wexler

□ 1854

Mr. NEUGEBAUER and Mr. PETERSON of Minnesota changed their vote from ''aye'' to ''no.''

Mr. ROSS and Mrs. BIGGERT changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. KILPATRICK of Michigan. Mr. Speaker, on rollcall No. 283, I was detained today because of flight delays, and had I been here, I would have voted ''aye.''

Stated against:

Mr. EHLERS. Mr. Chairman, on rollcall No. 283 I missed the vote because my flight arrived nearly two hours late. Had I been present, I would have voted "no."

Mr. ROGERS of Alabama. Mr. Chairman, on rollcall No. 283, I missed the vote due to a traffic delay. Had I been present, I would have voted "no."

Mr. WAMP. Mr. Chairman, on rollcall No. 283 I was unavoidably delayed. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. HUNTER

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DOGGETT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. DOGGETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 84, noes 329, not voting 20, as follows:

[Roll No. 284]

AYES—84

Abercrombie
Allen
Baird
Baldwin
Becerra
Berkley
Berman
Blumenauer
Brown (OH)
Capps
Cardin
Carson
Clay
Conyers
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Emanuel
Eshoo
Evans
Farr
Filner
Frank (MA)
Grijalva
Gutierrez
Hinchey
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kucinich
Larsen (WA)
Lee
Lewis (GA)
Lofgren, Zoe
Markey
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Miller, George
Moran (VA)
Nadler
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pomeroy
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Serrano
Slaughter
Smith (WA)
Solis
Stark
Strickland
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Weiner
Woolsey

NOES—329

Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Engel
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Watt
Weldon (FL)
Weldon (PA)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Baker
Boyd
Brown, Corrine
Crenshaw
Flake
Granger
Harris
Herseth
Istook
Lewis (KY)
Moore (WI)
Reynolds
Schwarz (MI)
Souder
Towns
Wamp
Wasserman Schultz
Waxman
Weller
Wexler

□ 1903

Mr. MCINTYRE and Mr. CLEAVER changed their vote from ''aye'' to ''no.''

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WAMP. Mr. Chairman, on rollcall No. 284, I was unavoidably delayed. Had I been present, I would have voted "no."

Mr. WELLER. Mr. Chairman, on rollcall No. 284, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 8 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 136, noes 280, not voting 17, as follows:

[Roll No. 285]

AYES—136

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berry
Bishop (GA)
Blumenauer
Boswell
Boucher
Brown (OH)
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—280

Aderholt
Akin
Alexander
Allen
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berman
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Latham
LaTourette
Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schiff
Schwartz (PA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Spratt
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baker
Boyd
Brown, Corrine
Crenshaw
Flake
Granger
Harris
Herseth
Istook
Lewis (KY)
Moore (WI)
Schwarz (MI)
Souder
Towns
Wasserman Schultz
Waxman
Wexler

□ 1911

Messrs. RYAN of Ohio, BOREN and VISCLOSKY changed their vote from ''aye'' to ''no.''

Mr. EDWARDS and Mr. ENGEL changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 180, noes 235, not voting 18, as follows:

[Roll No. 286]

AYES—180

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)

Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Weiner
Woolsey
Wu
Wynn

NOES—235

Abercrombie
Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Cox
Cubin
Culberson
Cunningham
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Kelly
Kennedy (MN)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Baker
Boyd
Brown, Corrine
Crenshaw
Flake
Granger
Harris
Herseth
Istook
Lewis (KY)
McKinney
Moore (WI)
Schwarz (MI)
Souder
Towns
Wasserman Schultz
Waxman
Wexler

□ 1919

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will report the last two lines.

The Clerk read as follows:

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

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. CAMP, 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. 2863) making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 315, the previous question is ordered.

(By unanimous consent, Mr. DOGGETT was allowed to speak out of order.)

ANNOUNCING THE PASSING OF HON. J.J. ''JAKE'' PICKLE

Mr. DOGGETT. Mr. Speaker, it is my sad duty to inform the House of the passing of a friend to many of us and a long-term colleague here in the House, J.J. ''Jake'' Pickle of Austin. Jake passed away at the age of 91, peacefully, on Saturday. He had a long career here in Washington, having served as a night watchman over in the Cannon Building, a job he told me he never did very well, but he sure worked night and day in the 31 years that he served here in the House of Representatives, working with colleagues on both sides of the aisle, bringing not only his legislative talents but his tremendous good humor.

He has more stories than anyone can remember, many of them collected with his daughter Peggy in a book. We have got an elementary school, a research center and a Federal building named after him, but I think he lives on in the hearts of the many who worked with him here in Washington and certainly in the lives of the thousands of people he helped in central Texas, most of whom have a squeaky green pickle to remember him by, along with his many good deeds.

Services will be at 4 o'clock on Wednesday in Austin. I know all of our colleagues will join in expressing our sympathies to his wife, Beryl; daughter, Peggy; and all the members of the Pickle family and in saying, Jake, a job well done.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 398, nays 19, not voting 16, as follows:

[Roll No. 287]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.

Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—19

Baldwin
Conyers
Duncan
Filner
Hinchey
Kucinich
Lee
Lewis (GA)
McDermott
McKinney
Owens
Paul
Payne
Rangel
Schakowsky
Stark
Waters
Watt
Woolsey

NOT VOTING—16

Baker
Boyd
Brown, Corrine
Crenshaw
Flake
Granger
Harris
Herseth
Istook
Lewis (KY)
Moore (WI)
Schwarz (MI)
Souder
Towns
Waxman
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1939

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON H.R. 2985, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–139) on the bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 10, CONSTITUTIONAL AMENDMENT AUTHORIZING CONGRESS TO PROHIBIT PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–140) on the resolution (H. Res. 330) providing for consideration of the joint resolution (H.J. Res. 10) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2475, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–141) on the resolution (H. Res. 331) providing for consideration of the bill (H.R. 2475) to authorize appropriations for fiscal year 2006 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBERS AS COSPONSORS OF H.R. 2646

Mr. HENSARLING. Mr. Speaker, on June 17, the following Members were inadvertently added as cosponsors of H.R. 2646: the gentleman from South Carolina (Mr. BROWN), the gentleman from Michigan (Mr. CAMP), the gentleman from Colorado (Mr. HEFLEY), the gentleman from Oklahoma (Mr. LUCAS), the gentleman from Texas (Mr. THORNBERRY), the gentleman from Montana (Mr. REHBERG), the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Michigan (Mr. UPTON), and the gentleman from Florida (Mr. KELLER).

I ask unanimous consent to have their names removed as cosponsors of H.R. 2646 at this time.

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

There was no objection.

SENATOR DURBIN'S COMMENTS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, last week Senator DURBIN compared American soldiers to Nazis, to the Soviets in the Gulags, and to Pol Pot.

These comments were the latest in a series of leftist attacks on our war against the terror in the Middle East and on our hard-line approach to terrorism here at home.

I want to assure my constituents that neither my party nor I believe America is what is wrong with this world. And no one should think for a minute, not even for a second, that we are in the wrong here. I have been to Iraq and to Afghanistan, and this political tactic sickens me.

If one wants to criticize our policies, fine. If one wants to call for withdrawal, that is just fine. But characterizing the actions of our Armed Forces as Nazi-like is reprehensible.

And to our Armed Forces and their wonderful families, I just want to say ''thank you.'' They are making a difference, and most of us are standing with them 100 percent of the time.

PUBLIC BROADCASTING

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, we are facing a storm of controversy surrounding public broadcasting. There are ominous signs of interference and people concerned about trying to impose their political agenda on our independent public broadcasting system.

We have seen Draconian and unjustified proposals coming from the Committee on Appropriations to slash funding for the next year and eliminate Federal support altogether in the future.

In 2001, we formed the Public Broadcasting Caucus in Congress precisely for the reason to enable us to come together in a bipartisan way to deal with the controversial and complex issues surrounding public broadcasting. This would be a great time for Members who have not yet joined to become members to enable their staff to take advantage of opportunity and information and, frankly, in a small way, to show some measure of support.

I look forward to the debate later this week during the Labor-HHS appropriations bill not just to restore critical funding. My hope is that as a result of this controversy, we will emerge with a better understanding of why we support the public broadcasting. I hope we are doing so in a way that provides the continuity and stability so essential to the critical service enjoyed by