materials/packages in the field, neutralize biological/chemical agents when discovered, decontaminate areas where bio/chem agents may have been released, and detect explosives and contraband in a variety of challenging circumstances. The IAC and the ISU academic community, in collaboration with scientists and national laboratories, has been involved in developing technology for the remote detection of hazardous materials and contraband for more than 15 years. Through these associations the IAC has devised non-intrusive means to identify the contents of containers of various kinds that may contain Fissileable material, Radioactive material, Explosives, Hazardous material (biological or chemical), and Contraband (FREHC) for homeland and national security applications.

This project was requested by Idaho State University in Pocatello, Idaho.

The report contains $1 million for a program entitled Systematic Hierarchical Approach to Radiation Hardened Electronics (SHARE). As many of us know, consistent, reliable performance of military electronics (ICs) is used in spaciﬁc communication, surveillance, and guidance systems continues to be a potentially debilitating problem for the military services. The problem has been aggravated by the rapid and unsettling contraction of the industrial base for producing specialized electronics that must perform in applications requiring high reliability in a challenging radiation-charged environment. As one of the principal users of radiation-hardened (RadHard) electronics, the U.S. Air Force is pursuing technologies that will ensure a ready and economical domestic capability for producing radiation hardened microelectronics using advanced commercial processes. SHARE has been identiﬁed by the Air Force as a critical capability that will enable collaboration among circuit designers, simulation software vendors, and foundries under the direction of SEAMS Center AFRL at Kirtland AFB, NM.

This project was requested by American Semiconductor in Boise, Idaho.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my region and an explanation of my support for them.

Mr. STARK. Mr. Chairman, I rise in opposition to yet another bloated Defense Appropriations bill. H.R. 5631 provides billions more for missile defense systems that are nothing but a pipe dream and a War in Iraq that has turned into an international nightmare.

Republican in Congress should wake up and smell the coffee. Another $9 billion for development of ineffective and outdated systems may boost the bottom lines of their well-connected sugar daddies in the defense industry. But throwing good money after bad will do little to make Ronald Reagan’s Cold War fantasy a reality. Despite nearly $100 billion in research, these systems have yet to demonstrate even a basic ability to intercept incoming missiles. Even if they could, they’d do little to make us secure from the much more likely and contemporary threat of a weapon delivered by suitcase or cargo container.

Republicans have irresponsibly funded the majority of their misguided Iraqi adventure through supplemental. But they couldn’t resist also including tens of billions more in today’s Defense Appropriations bill. In H.R. 5631, taxpayer money is appropriated as a so-called “bridge fund” for the first six months of war operations during ﬁscal year 2007. But our troops should be brought home immediately. The bill’s billions are, in reality, a bridge to more death and destruction. The United States’ continued occupation encourages Iraqi civil war and feeds the insurgency, providing terrorists with refuge and recruits.

Once upon a time, Congress took its oversight role seriously. Not today. Despite a recent Pentagon report that found signiﬁcant cost overruns in 36 major weapons systems, this bill increases defense spending by a whopping $19.1 billion. As a result, defense spending will now total more than half of the entire federal discretionary budget! Instead, we should provide quality education and health care to all Americans. I urge my colleagues to join me in voting no to additional spending on ineffective missile systems and a counterproductive war.

Mr. GENE GREEN of Texas. Mr. Chairman, thank you for recognizing me for some comments. I used a lot of my time earlier to urge my colleagues to join me in supporting this balanced bill that supports our troops and addresses critical issues to our Nation’s safety and security.

This bill provides $500 million in funding above the President’s request for the equipment that the Pentagon is asking us to provide items needed for homeland defense and disaster response. This funding is important to our district in Houston because it is susceptible to ﬂooding—as we are seeing right now—and the National Guard has played a critical role in responding to past tropical storms and hurricanes in our district and along the Gulf Coast.

Many Guard units are leaving equipment in Iraq when they ﬁnish their tour for future troops to use. This cuts down on transportation costs, but it also leaves units here in the U.S. under-equipped to respond to a natural disaster. The funding in this bill is necessary to ensure Guard units here at home have the equipment to respond to these events.

I also want to speak brieﬂy on two important projects included in this bill.

The ﬁrst is the University of Houston Consortium for Nanomaterials for Aerospace Commerce and Technology (CONTACT). For the past four years, the University of Houston has been partnering with several University of Texas System institutions, Rice University, and the Air Force Research Laboratory (AFRL) in the Strategic Partnership for Research in Nanotechnology (SPRING). Federal funding for SPRING will end in FY06, and CONTACT will carry on the work started under that partnership.

CONTACT will have two main goals: to ensure our national air superiority through nanomaterials research and development, and to commercialize nanomaterials developed by scientists from Texas universities. This funding will make use of existing infrastructure and enable research, development and technology transfer that address three critical capabilities of the Air Force: power on demand, reconﬁgurable full-spectrum detectors, and interdisciplinary fundamental nanoscience and engineering.

The second project will modernize the Standard Army Retail Supply Systems (SARSS) and Standard Army Ammunition System (SAAS) and combine the two systems into one by rewriting it in a Microsoft Windows environment.

This program—the Army Legacy Logistics Systems Modernization (SAMS—E)—modernizes computer logistics systems that are critical to the operation of the Army making them more efﬁcient.

This effort will link the STAMIS modules through the web, allowing for a sharing of information and a ﬂexible supply chain that can be redirected seamlessly on the battlefield. The result will be more efﬁcient ﬁeld logistics management that will save money and provide soldiers with more dependable and reliable management systems.

I applaud the Subcommittee and committee for putting forward this balanced bill. I urge my colleagues to join me in supporting it.

Mr. PAUL. Mr. Chairman, I rise in opposition to this legislation. This bill is unfortunately very short on real defense spending and very generous with spending enormous amounts on expensive military equipment serious spending by a very little use to defend our country. This bill will do not much to help our military troops. In fact, it gives the troops a pay raise lower than civilian federal employees. It short-changes them.

The bill is very generous with spending on grossly over-budget acquisition of military equipment of questionable value in our current times. Over the past 5 years, the Defense Department has doubled spending on new weapons systems from about $700 billion to nearly $1.4 trillion. However a recent Pentagon report found signiﬁcant cost overruns—50 percent over original cost projections—in 36 major weapons systems. These programs beneﬁt well-connected defense contractors, but they do not beneﬁt the taxpayer and they do not beneﬁt the soldiers who risk their lives.

The bill manages to spend hundreds of millions of dollars on foreign aid—$372 million to Russia, for example—and the failed drug war, but it fails to address the real problems of a military force that has been seriously stretched and challenged by an unprecedented level of sustained deployment overseas. I urge my colleagues to support a defense spending bill that really puts defense of the United States ﬁrst.

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

The Acting CHAIRMAN. The committee will resume its sitting.

The SPEAKER pro tempore (Mr. CHICOLA) assumed the Chair.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The Committee resumed its sitting.

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. 5631

To amend title 32, United States Code, to authorize the Secretary of Defense to provide 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 the Independent 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 97-31, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $25,259,649,000.

Mr. MURTHA. Mr. Chairman, I move to strike the last word. I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me thank the gentleman for yielding and for his words 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 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 for such events in Haiti in 2004 and in Venezuela have led me to believe that we need to codify this straightforward nonpartisan position. As we know, the administration has committed its second term to spreading democracy around the world, and this should not be a partisan issue. It is at the core of our Nation's values; and quite simply put, it is fundamental to who we are as a people and what we stand for as a Nation.

However, Mr. Chairman, we need to be sure that this administration, or any future administration, that if they do 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. So I would just 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, I want to assure the gentlewoman from California I agree, we certainly should not overthrow a democratically elected government. I appreciate the gentlewoman's long concern and attention to 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, let me just say, thank you, again, to the gentleman for his attention to this issue and to the hard work that is important to our Nation. He is truly a courageous hero to many of our minds and many of our views, and we look forward to continuing to work with him and the entire House in standing up for democracy throughout the world.

Mr. MURTHA. Mr. Chairman, I yield to the gentlewoman from Texas for a colloquy. She has an amendment, but I hope we can discuss this better.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise for the purpose of entering into a colloquy with the gentleman from Florida (Mr. YOUNG) and Mr. MURTHA from Pennsylvania.

As indicated, I hope that the amendment that I was present to offer that asks for the same increase, 2.7 percent, that the Federal employees were getting for military personnel, which is now at 2.2 percent for the military.

One of the few issues on which all Members of Congress agree is that our military personnel are cherished defenders of the values that we value them highly, that we are proud of them. Every day they stand between the status quo and an ideal for a better future and put their lives on the line to realize this goal.

The current pay increase for military personnel in this appropriations bill is 2.2 percent. This is a total of $84.9 billion for military personnel accounts, which is $1.9 billion greater than in fiscal year 2006, but it is $1.2 billion less than necessary, I believe, to help us get to 2.7 percent.

We just passed the Transportation-Treasury-HUD appropriation bill, which provided a 2.7 percent pay increase for civilian Federal workers, as well as targeted pay increases for a variety of enlisted personnel and officer grades. We need to make the strong statement that we value our Armed Forces just as much as we do our civilian public servants. My amendment simply pays our personnel pay by 2.7 percent over fiscal year 2006. Every day we are reminded of the sacrifices our children and our neighbors are making. Over 2,500 soldiers have died in Iraq, and over 19,000 have been injured. Several years ago military personnel were paid 13 percent less than comparable civilian pay. This gap, however, has narrowed within the past few years to 6.5 percent in fiscal year 2005. And it is my goal to ensure that we will continue to narrow even more in the coming years.

According to the fiscal year 2006 pay charts, after 4 months of service, newly commissioned officers receive a 2.7 percent increase.

Mr. MURTHA. Mr. Chairman, I want to assure the gentlewoman from Texas that both the chairman and I have done everything we can to make sure that the pay is comparable with the civilian sector. In the past it was usually quicker than necessary, I think. And well, I would hope that they would work with all of us to find a way to properly compensate and reward our brave men and women in uniform wherever they might be.

Mr. MURTHA. Mr. Chairman, I want to assure the gentlewoman from Texas that both the chairman and I have done everything we can to make sure that the pay is comparable with the civilian sector. And in noting all of their work, we will, incompatibility with their needs.

Finally, a May 2004 survey of reservists from the Department of Defense found that 51 percent reported an earning loss, including 44 percent who reported a drop of 10 percent or more, and 21 percent reported an income loss of 20 percent or more. Although this may stem due to dual duty and other factors, we need to make sure that those in Active Duty are not punished for serving. I hope, as we move through this process, the voices that will be heard will be Members like the chairman and ranking member of this subcommittee, that we must do more for our young men and women on the frontlines, our reservists, and our National Guard.

I ask the gentleman here today with me to do what they share concerns to increase the salaries? And well, I would hope that they would work with all of us to find a way to properly compensate and reward our brave men and women in uniform wherever they might be.

Mr. MURTHA. Mr. Chairman, I move to strike the last word. I yield to the gentlewoman from Texas for a colloquy.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding.

This is an amendment that I would have offered, and I am delighted to not have to substitute to offer it. And I thank the gentleman from Pennsylvania and thank the gentleman from Florida.

And in noting all of their work, we have worked together, and I am very appreciative and hopeful that we will be able to work together on this issue to increase the salaries for our brave men and women.

Mr. LEWIS of California. Mr. Chairman, I yield to the gentlewoman from Texas.
Mr. YOUNG of Florida. I yield to the gentleman from California.

Mr. LEWIS of California. The reason I asked you to yield, Mr. Chairman, is that it strikes me that the entire membership should know that already Mr. MURTHA and you together have lost out to the bravery of the subcommittee. It is a very unusual thing. I think maybe Mr. MURTHA has lost control.

Mr. YOUNG of Florida. Mr. Chairman, referring to what he said concerns the gentlewoman’s question, as Mr. MURTHA suggested, we look for every way that we can to enhance the quality of life for the members of our military, to get as many pay increases and as many benefits as we can, because we recognize how important that these heroes are, these warriors are, to the security of our Nation.

I thank the gentlewoman for bringing up this issue, but I would say Mr. MURTHA and I have looked for every opportunity to make things better for the men and women who serve in our military. The Acting CHAIRMAN. The Clerk will read.

The Clerk reads 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 active duty personnel 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, $1,485,548,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 12301(d) 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 12301(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, $3,034,500,000.

MILITARY 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 16131 of title 10, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while serving on active duty under section 12301(d) 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 12301(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, $498,556,000.

RESERVE PERSONNEL, MARINE CORPS

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 12301(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, $2,038,097,000.

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 Reserve on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for active duty personnel of the Air National Guard 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, $7,362,749,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 12211, 10302, or 12402 of title 10 or section 609(f) of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 609(f) of title 32, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing 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, $4,693,595,000.

NATIONAL GUARD PERSONNEL, ARMED FORCES

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 12211, 10302, or 12402 of title 10 or section 609(f) of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 609(f) of title 32, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing 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, $29,833,676,000.

NATIONAL GUARD 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 16131 of title 10, United States Code, in connection with performing duty specified in section 12301(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, $1,246,320,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under section 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 12301(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, $4,935,565,000.

RESERVE PERSONNEL, AIR NATIONAL GUARD

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard while on duty under section 12211, 10302, or 12402 of title 10 or section 609(f) of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 609(f) of title 32, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing 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, $6,129,000,000.

RESERVE PERSONNEL, AIR NATIONAL GUARD

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard while on duty under section 12211, 10302, or 12402 of title 10 or section 609(f) of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 609(f) of title 32, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing 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, $2,038,097,000.

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 12211, 10302, or 12402 of title 10 or section 609(f) of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 609(f) of title 32, United States Code, in connection with performing duty specified in section 12301(a) of title 10, United States Code, or while undergoing 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, $2,038,097,000.

NATIONAL GUARD PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 12301(d) 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 12301(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, $3,034,500,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 12301(d) 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 12301(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, $2,038,097,000.
of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $1,000,000,000, 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 funding to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment in end-items of equipment and procurement of services, supplies, and equipment 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, $2,064,512,000.

**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, $1,223,628,000.

**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, $302,732,000.

**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, $2,659,951,000.

**OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD**

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and facilities; maintenance, operation, and repairs to structures and facilities; transportation of things; hire of passenger motor vehicles; supplies and equipment; training of the National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished to 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 regulations when specifically authorized by law; and expenses for the operation and maintenance in connection with the property, equipment, and the industrial and training facilities of the National Guard, as authorized by law, $6,836,839,000.

**OPERATION AND MAINTENANCE, NAVY NATIONAL GUARD**

For expenses of training, organizing, and administering the Navy National Guard, as authorized by law, $2,659,951,000.

**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, $1,350,896,000, to remain available for obligation until September 30, 2009, of which $110,000,000 shall be available for the Army National Guard and Army Reserve.

**PROCUREMENT OF WINGS, ARMY**

For construction, procurement, production, modification, and modernization of equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; special 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, $30,000,000 shall be available for the Army National Guard and Army Reserve.

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which $534,960,000 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 thereof; 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, $210,590,831,000, to remain available for obligation until September 30, 2009, of which $145,600,000 shall be available for the Air National Guard and Air Force Reserve.

**MISSILE PROCUREMENT, AIR FORCE**

For construction, procurement, and modification of missiles and related equipment, including spare parts and accessories thereof; 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, $37,746,636,000, to remain available for obligation until September 30, 2009, of which $145,600,000 shall be available for the Air National Guard and Air Force 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 thereof; 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, $2,539,920,000, to remain available for obligation until September 30, 2009.

**PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS**

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 ammunition facilities, authorized by section 2584 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; reserve plant and Government and contractor-owned equipment layaway, $1,079,249,000, to remain available for obligation until September 30, 2009, of which $153,800,000 shall be available for the Air National Guard and Air Force Reserve.

**OTHER PROCUREMENT, NAVY**

For procurement, services, tests, evaluations, and other expenses necessary 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, $7,328,605,000, to remain available for obligation until September 30, 2009, of which $23,000,000 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; and other expenses necessary 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, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

- **Carrier Replacement Program (AP)**, $784,113,000.
- **NSSN (A)**, $1,775,472,000.
- **NSSN (AP)**, $676,582,000.
- **CVN Refuelings**, $875,495,000.
- **CVN Conversion**, $117,139,000.
- **SSN Engineeried Refueling Overhauls (AP)**, $22,078,000.
- **SSBN Engineeried Refueling Overhauls**, $159,000,000.
- **SSBN Engineeried Refueling Overhauls (AP)**, $37,154,000.

One DD(X) Destroyer, $2,568,111,000; DDG-61 Destroyer, $355,849,000; DDG-61 Destroyer Modernization, $50,000,000; Littoral Combat Ship, $250,670,000; LPD-17 (AP), $297,492,000; LHA-R, $1,135,917,000; Special Purpose Craft, $4,500,000; Service Craft (AP), $356,000,000; LCAC Service Life Extension Program, $110,692,000; Prior year shipbuilding costs, $436,449,000; and For outfitting, post delivery, conversions, and first destination transportation, $104,643,000.

In all: $10,491,653,000, to remain available for obligation until September 30, 2011: Provided, That additional obligations may be incurred after September 30, 2011, for engineering services, tests, evaluations, and other expenses necessary for the construction in the final stage of ship construction: Provided further, That none of the funds provided for conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the procurement and installation of equipment, appliances, and machine tools in public and private plants, including the land necessary therefor, 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, including the land necessary therefor, 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, including the land necessary therefor, 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, including the land necessary therefor, may be acquired, and construction prosecuted thereon prior to approval of title.

**PROCUREMENT OF CAREER OFFICERS, NAVY**

For expenses of activities and agencies of the department of defense (other than the military departments) necessary for procurement, production, modification of equipment (including ground electronic and communication equipment), and supplies, materials, and spare parts thereof, 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 public and private plants, construction 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, $15,423,336,000, to remain available for obligation until September 30, 2009, of which $145,600,000 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 thereof, 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 public and private plants, construction 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, $37,154,000; and other expenses necessary for the foregoing purposes including rents and transportation of things, $11,852,667,000, to remain available for obligation until September 30, 2009, of which $145,600,000 shall be available for the Air National Guard and Air Force Reserve.
$2,890,531,000, to remain available for obligation until September 30, 2009.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $500,000,000, to remain available for obligation until September 30, 2009: Provided, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

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), $39,384,000, 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, $11,834,862,000, to remain available for obligation until September 30, 2008.

AMENDMENT OFFERED BY MR. MURTHA

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

The Clerk read as follows:

Amendment offered by Mr. MURTHA: On page 23, line 17, insert after the first dollar amount, the following: "(reduced by $5,000,000)".

Mr. MURTHA (during the reading).

Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. MURTHA. Mr. Chairman, I offer an amendment, to restore funding for an important national program known as PASIS, Perpetually Available and Secure Information Systems program.

Mr. YOUNG of Florida. Mr. Chairman, I would like to say to the gentleman that, as he knows, this is something we had intended to do in the committee, and it is important that we do it at this point; so we accept this amendment.

Mr. MURTHA. I appreciate it.

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

The amendment was agreed to.

The Acting 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, an operation of facilities and equipment, $17,654,518,000, to remain available for obligation until September 30, 2008: 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, Defense-Wide

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, an operation of facilities and equipment, $32,857,000,000, to remain available for obligation until September 30, 2008.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas.

Page 28, line 23, before the period, insert the following: "Provided, That not less than $10,000,000 of the funds appropriated in this paragraph shall be used for prosthetic research." Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentlemans amendment.

Mr. Chairman, I offer an amendment.

Ms. JACKSON-LEE of Texas. In the best of all worlds, Mr. Chairman, I would hope that the point of order could be waived; but at the same time as I discuss this amendment, I will acknowledge the leadership of the ranking member and the chairman of this subcommittee.

Living near a veterans hospital, having the pleasure of having represented the veterans hospitals in Houston, Texas, and living in the State of Texas and recognizing the facilities that we have dealing with the rehabilitation of injured persons including injured soldiers, I would say that this is one of the more important funding areas that this bill has to address.

Why? Because we realize that some 19,000 of the U.S. military and the number is growing have been injured. Why? Because we realize that some 19,000 of the U.S. military and the number is growing have been injured.

And recognizing the facilities that we have dealing with the rehabilitation of injured persons including injured soldiers, I would say that this is one of the more important funding areas that this bill has to address.

Why? Because we realize that some 19,000 of the U.S. military and the number is growing have been injured.

As we know, both Mr. YOUNG and Mr. MURTHA have steadily provided insight and understanding to the needs of those who have fought in our history, and I am sure that my colleagues join me in that. Yet we must continue the responsibility of rehabilitation.

The importance of prosthetic research is increasing in light of the ongoing hostilities in Iraq and the growing sophistication of the improvised explosive devices used against our troops.

I recently visited Walter Reed Hospital, we met a number of wounded soldiers, many of whom were badly scarred physically, and needed to have the knowledge that the prosthetic devices would be available for them.

So this amendment is simple. It attempts to place special emphasis on work that is ongoing and the importance of continuing both the research and the funding regarding prosthetic research. This will help the encreased utilization of prosthetics for our soldiers. Someone out there is listening, I hope, in order to know that we are concerned about the many issues that impact these soldiers’ lives; and one of those issues is to have the opportunity to walk again.

Mr. YOUNG of Florida. Mr. Chairman, I make the point of order, reluctantly, I might say, against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI.

Clause 2 of rule XXI states in pertinent part: "An appropriation may not be in order as an amendment for an expenditure not previously authorized by law.

Mr. Chairman, the amendment proposes to appropriate funds for an earmark that is not authorized. The
amendment therefore violates clause 2 of rule XXI.
I ask for the ruling of the Chair.

The Acting CHAIRMAN. Do any Members wish to speak on the point of order?

Ms. JACKSON-LEE of Texas. I would. I would like to yield to the distinguished ranking member to ask about his belief and concern about the importance of prosthetic research funding and continue to have the opportunity to work with him and Mr. YOUNG on this issue.

The Acting CHAIRMAN. The gentlewoman may not yield, but the Chair will hear the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, nobody has worked harder than BILL YOUNG, his wife and myself in taking care of these troops at all the hospitals, all over the country. Just last year we put in money to start a new center for re habilitation of people that had lost their limbs and so forth.

We appreciate your recommendation. We hope you withdraw the amendment, and we will continue to work toward full funding, as much as we think is absolutely necessary for all these hospitals.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will take the time to discuss the point of order. I ask unanimous consent for the record and for the front line.

I would like to yield to the distinguished ranking member the subcommittee Chair, but also to express the need in my particular locality in Houston, Texas, where a number of these veterans are coming back needing prosthetics.

Let me thank the ranking member and the chairman for the work already done and ask at this time, as the mon eys will be continue to be emphasized and the need already known, I will look forward to working with both of them as these funds continue to increase to help the need that is existing for those needing prosthetics coming back from the front line.

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

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

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 73, line 5 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the bill through page 73, line 5 is 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, in accordance with the provisions of the Inspector General Act of 1978 (50 U.S.C. App. 1744), and for necessary expenses to be expended on the approval or disallowance of payments made from the revolving fund, $1,355,998,000.

TITLE V
REVOLVING AND MANAGEMENT FUNDS

For the Defense Working Capital Funds, $1,349,998,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as set forth in 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, $1,071,932,000, 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 comply with the requirements of the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is, engines, reduction gears, and shafts); 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 Senate and the House of Representa tives 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.

PENTAGON RESERVATION MAINTENANCE

REVOLVING FUND

For the Pentagon Reservation Maintenance Revolving Fund, $18,500,000, to remain available until September 30, 2011.

TITLE VI
OTHER DEPARTMENT OF DEFENSE

CHEMICAL AGENTS AND MUNITIONS DEMOLITION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of the Chemical and Biological Weapons Convention Implementation Act, 1986 (50 U.S.C. 1521), for the destruction of other chemical warfare materi als that are not in the chemical weapons stockpile, $1,046,290,000, of which $1,046,290,000 shall be for Operation and maintenance: 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, $226,297,000, of which $214,697,000 shall be for Management and maintenance, of which not to exceed $700,000 is available for emergencies and extraordinary expenses to be expended on the approval or disapproval of the Inspector General’s pay ments may be made on the Inspector General’s certificate of necessity for confidential military purposes; and of which $1,400,000, to remain available until September 30, 2009, 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, $256,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $597,111,000, of which $27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2008: Provided further, That the transfer authority provided 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, 2009 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2009: Provided further, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities 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 propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, payments of law prohibitions 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 whose pay is computed in accordance with section 5555 of title 5, United States Code, or at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed in accordance with section 5555 of title 5, United States Code, shall not be at any rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed in accordance with section 5555 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate Appropriations Act to own employees of the Department of Defense: Provided further, That this section shall not apply to the Department of Defense foreign service national employees of the United States State Department whose pay is set by the Department of State under the Foreign Service Act of 1980: Provided further, That the limitations or requirements of this section shall not apply to personnel 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 amount of any appropriation 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 $4,750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense, or to any Department of Defense agency, in order to carry out any program or project of which he is informed by the Secretary of Defense of the expected reduction of funds (except in respect of 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 the transfer is requested has been denied by the Congress: Provided further, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant thereto 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 congressional defense committees: Provided further, That the execution of multiyear authority shall require the use of present values 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 to include any 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: Provided further, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which procurement funds are authorized: Provided further, That any authority in this Act shall be available to initiate: (1) a multiyear contract for which procurement funds are authorized; (2) a contract for which procurement funds are available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civil 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 99-240: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at military medical centers in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, at no cost to the patient or patient’s reimbursable family, to 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 2007, the civilian personnel of the Department of Defense may not be managed on the basis of end-strength. 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 persons the Department of Defense may employ on the last day of such fiscal year: Provided further, That the fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a), (b) and (c) of this section were effective with regard to fiscal year 2007.

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

SEC. 8011. 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. 8012. 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 Education: Provided further, That none of the funds provided in this Act may be used for a multiyear contract for which procurement funds are authorized: Provided further, That the provision of medical services at such facilities 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 further, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civil 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 99-240: Provided further, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at military medical centers in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, at no cost to the patient or patient’s reimbursable family, to patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8013. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance any activity or function performed by the Secretary 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:

(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, in 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 the contractor and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States, that

SFC. 8015. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of products or services that are not manufactured in the United States.

SFC. 8016. None of the funds appropriated in this Act shall be available for the performance of membership duties.

SFC. 8020. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international psychological activities.

SFC. 8023. (a) None of the funds appropriated by this Act shall be available for any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed is not sponsored by a program under the authority of this provision or any other transfer authority contained in this Act.

SFC. 8035. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of shipboard anchor and mooring chain.

SFC. 8036. None of the funds in this Act may be available for the performance of any activity or function under the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization plan; or

(2) the Competitive Sourcing Official determines, in 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 the contractor and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States, that

SFC. 8037. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of shipboard anchor and mooring chain.

SFC. 8040. Funds appropriated in title III of this Act shall be available only to support the American Forces Information Service.


SFC. 8042. Funds appropriated in title III of this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of products or services that are not manufactured in the United States.

SFC. 8043. (a) None of the funds appropriated in this Act shall be available for the performance of membership duties.

SFC. 8044. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of products or services that are not manufactured in the United States.

SFC. 8045. None of the funds in this Act may be available for the performance of membership duties.

SFC. 8046. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of shipboard anchor and mooring chain.

SFC. 8047. None of the funds in this Act may be available for the performance of membership duties.

SFC. 8048. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of shipboard anchor and mooring chain.
may be funded for defense FFRDCs: Provided,
that this subsection shall not apply to staff
years funded in the National Intelligence
Program (NIP) and the Military Intelligence
Program (MIP) budget, or the DoD/Army,
and to any program statement of work
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 for-
eign entities in fiscal year 2007. Such report
shall include an analysis of the total cost 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 and any other international agree-
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
titled “An Act making appropriations for the
Treasury and Post Office Depart-
ments in the current fiscal year and hereafter for
Drug Interdiction and Counter-Drug Activities,
the Secretary may be obligated for the Young
Marines program.

SEC. 8029. During the current fiscal year,
amounts contained in the Department of De-
fense Appropriations Act, 2008, for the
Operation Walking Shield Program shall be used for
the design, development, and deployment of Defense
Overseas Military Facility Investment
Program.

SEC. 8030. (a) In general.

(b) The fiscal year 2008 budget request for
the Department of Defense as well as all jus-
tification material and other documentation
supporting the fiscal year 2008 Department of
Defense, Except for funds appropriated for the
Reserve Forces Defense Fund, which shall be
submitted to the Congress on the basis that any
equipment which was classified as an end
item or repair item in the fiscal year 1994 appro-
appropriation contained in this Act shall be budgeted
for in a proposed fiscal year 2008 procure-
ment appropriation and not in the supply
and maintenance appropriation for the area or
category of the Department of Defense
Working Capital Funds.

SEC. 8032. None of the funds appropriated
by this Act for programs of the Central In-
telligence Agency shall remain available for
obligation beyond the current fiscal year, ex-
cept for funds appropriated to the Reserve
security for Contingencies, which shall remain avail-
able until September 30, 2008: Provided,
That funds appropriated, transferred, or otherwise
appropriated to the Central Intelligence Agency
Central Services Working Capital Fund during
this or any prior or subsequent fiscal year shall remain available until expended:

SEC. 8033. None of the funds appropriated
by this Act for programs of the Central In-
telligence Agency shall remain available for
obligation beyond the current fiscal year, ex-
cept for funds appropriated to the Reserve
security for Contingencies, which shall remain avail-
able until September 30, 2008: Provided,
That funds appropriated, transferred, or otherwise
appropriated to the Central Intelligence Agency
Central Services Working Capital Fund during
this or any prior or subsequent fiscal year shall remain available until expended:

SEC. 8034. Notwithstanding any other pro-
vision of law, funds made available in this
Act for the Defense Intelligence Agency may
be used for the design, development, and de-
ployment of General Defense Intelligence
Program intelligence and communications
information systems for the Unified and Specified Com-
mands, and the component commands.

SEC. 8035. (a) None of the funds appro-
riated in this Act may be expended by an
agency, office, or the Department, unless the
entity, in spending 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, 1931, and for other
purposes”, approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines
that the person has been convicted of intention-
ally 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 President, in the deter-
mine, in accordance with section 2410f of
title 10, United States Code, whether the per-
son should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or prod-
ucts purchased with appropriations provided
under this Act, it is in the sense of the Congress
that any entity of the Department of Defense,
in the acquisition of purchases, may use the Buy American Act as provided.

SEC. 8036. None of the funds appropriated
by this Act shall be available for a contract
for studies, analysis, or consulting services
for the purpose of acquiring a new inventory item for
military department or Defense Agency con-
cerned, with power of delegation, shall cer-
ify 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 Cir-
cular A-76 shall not apply to competitions
conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense,
then provisionally waives the Buy American Act with respect to such
types of products produced in that foreign country.

SEC. 8026. 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 mainte-
ance activities and private firms: Provided,
That the Secretary of the military de-
partments or Defense Agency con-
mended to perform the proposed work;
that bids include the materials and other documentation
prepared to perform the proposed work;
that any entity of the Department of Defense
is not on a list of the United States.

SEC. 8025. For the purposes of this Act, the
term “cultural defense committees” means the Armed Services Committee of the House of Representa-
tives, the Armed Services Committee of the Senate, the Sub-
committee on Defense on the Committee on Appropriations of the Senate, and the Sub-
committee on Defense on the Committee on Appropriations of the House of Representa-
tives.

SEC. 8026. 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 mainte-
ance activities and private firms: Provided,
That the Secretary of the military de-
partments or Defense Agency con-
Funds may be used for the design, development, and de-
placement of General Defense Intelligence
Program intelligence and communications
information systems for the Unified and Specified Com-
mands, and the component commands.

provided.

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was submitted in confidence by one source; or
(3) the purpose of the contract is to take advantage of unique and significant industrial or scientific capabilities or to ensure that a new product or idea of a specific concern is given financial support: Provided, That this limitation shall not apply to contracts in excess of $25,000, contracts related to improvements of equipment that is in development or production, or contracts to which a civilian employee 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. 8038. (a) 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 limitation of 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—
(1) no less than the personnel requirements or the financial requirements of the department,

(c) This section does not apply to—

(1) Defense operating agencies funded within the National Intelligence Program; or
(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

Sec. 8039. 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:

(1) 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 available personnel, including civilian, contractual, or other personnel, to operations to counter terrorism, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

Sec. 8041. 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. 8042. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement expenses 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 National Intelligence Program, and the Military Intelligence Program: Provided, That nothing in this section authorizes deviation from establishing the National Guard personnel and training procedures.

Sec. 8043. During the current fiscal year, none of the funds appropriated in this Act may be obligated for civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: Provided, That the Secretary of the Armed Services General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas to the extent that current facilities would be consistent with responsible resource stewardship and capitation-based budgeting.

Sec. 8044. (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 appropriation law.

(b) None of the funds available to the Center for Intelligence for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States.

Sec. 8045. 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 Department of Defense may waive this restriction on a case-by-case basis by certifying to the Committees on Appropriations of the House of Representatives and 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 that is not available from United States manufacturers.

Sec. 8047. Notwithstanding any other provision of law, each contract entered into by the Department of Defense during the current fiscal year for construction or service personnel, supplies, or services in whole or in part (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate equal to or greater than the rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing the contract, residents of the State that is not contiguous with another State, individuals who are residents of such States, or persons 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. 8048. 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 transfers of funds expressly provided for in Department of Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

Sec. 8049. (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 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 30 days in advance of such transfer.

(b) Prohibited Activities.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of the United Nations Security Council 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 for funds for such purpose.

Sec. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor for the conduct under a contract of the Department of Defense for costs of any amount paid by the contractor to an employee when—
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 in the legislation of United States coal as an energy source.

S. 8055. None of the funds appropriated in title IV of this Act may be used to procure test items for the purpose of providing 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 assistance program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committee on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

S. 8056. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment and reparable bases to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies on a non-reimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

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

If not, the Clerk will read.

The Clerk will read as follows:

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale or lease of equipment on a nonreimbursable basis to any foreign government.

AMENDMENT OFFERED BY MS. GRANGER

Ms. GRANGER. Mr. Chairman, I offer an amendment.

The Clerk reads as follows:

Amendment offered by Ms. Granger: Strike section 8057 (page 73, lines 6 through 8).

Ms. GRANGER. Mr. Chairman, my amendment simply deletes section 8057 from the underlying bill. While there was merit in the intent provision in 1997 when it was first enacted, the provision has become unnecessary due to comprehensive safeguards enacted into permanent law under the Arms Export Control Act, which is vigorously enforced by the Department of Defense. I believe this provision of this bill is no longer necessary to safeguard our technology. I have discussed this amendment with both sides, and I ask that it be adopted.

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

Mr. Chairman, the original language I thought was extremely important at the time that it was adopted by the House, for an amendment by Mr. Obey in 1997. But I believe that probably it has outlived its necessity.

I would say to the gentlewoman that we will agree to this amendment. However, I would like to advise her and the House that as the conference on this bill, we are going to be extremely involved in determining that the protection of our technology will be very, very positive. This aircraft, this weapon system, has a lot of great technology that we have to protect. So we have to work out the proper language, and we will do that as we go through the conference.

We are willing to work the amendment with that understanding.

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

Mr. Chairman, I think the House needs to understand the history of this. Back in 1997, when the F-22 was first being contemplated, there was a controversy about whether it should be built, whether it was needed, given the capability of our other aircraft. We were told that we had to go ahead and construct the plane because we had given away so much technology by selling other high performance aircraft, F-15s, F-16s, that we had to regain our technological edge.

The point where I think that is the case, if we are going to build the thing, at least let’s make certain that we hang onto our technology edge this time.

Hence, the language in section 8057.

It is true that the language may have changed, but I don’t know that we are yet at the point where that would justify removing these limitations. My own preference, given my biases about arms sales around the world, my own preference would be to impose the same kind of limitations on new aircraft that we are developing, such as the F-35, as we impose now on the F-22. But I recognize that that is not in the cards, given the mindset of the Congress these days.

So given that fact, I would simply say that I have indicated on numerous occasions that I have an open mind and I would be willing to be persuaded, but I am not yet convinced that we are at the point where we ought to remove these restrictions. I would simply ask the chairman, I would hope that if the committee does intend to accept this amendment, that it will have an in-depth discussion with the Pentagon to make certain that we know exactly what we are doing in terms of the kind of technology that we might be letting loose, that it might not be in the interest of this country to do so.

So given that fact, I would simply say that I have indicated on numerous occasions that I have an open mind and I would be willing to be persuaded, but I am not yet convinced that we are at the point where we ought to remove these restrictions. I would simply ask the chairman, I would hope that if the committee does intend to accept this amendment, that it will have an in-depth discussion with the Pentagon to make certain that we know exactly what we are doing in terms of the kind of technology that we might be letting loose, that it might not be in the interest of this country to do so.

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any kind of a battle will tell you that they want to make sure that those aircraft overhead belong to us and not to the other guys.

So we are going to be extremely careful before we allow this to happen, that the technology will be protected and that it will be available, the aircraft, the sales would only be available to those who are unquestionable supporters, and allies, of the United States.

Mr. OBEY. Mr. Chairman, I would simply say that is useful, but I am still concerned about the fact that we will be allowing a very high-technology aircraft to wind up in the hands of people who may be allies today, but God knows what they are going to be tomorrow.

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

Mr. Chairman, I find the exchange between you and the gentleman, and the gentlewoman from Texas to be very interesting; I appreciate the sensitivity with which it is being approached by the subcommittee as we move forward, and there will be a way, sooner than later, that we can have a broader conversation about export controls and about dual use technology, because I am hearing on a regular basis that we are not being as clear as we can be as to how we are practicing technology control in the ordinary course of business.

Now, in the International Relations Committee we follow a little bit of the mark because we haven’t come forward with legislation under our jurisdiction dealing with an update of this issue. I would hope that the conversation that the chairman talks about could be done in a broader context, in terms of what we are doing, to make sure that we are not driving other areas of technology overseas and working to our competitive disadvantage.

I have also heard stories that I believe to be credible, which I look forward toward maybe advancing further with the distinguished gentleman, where there have been situations where our allies are using our equipment, but we have artificial barriers in place to be able to have them use things like spare parts and technical manuals to be able to use them. I’ve heard there are odd sorts of jerry-rigged solutions that take place in the theater of battle that look to be on their face nonsensical and perhaps driving people to do things that in the long run may provide problems for protecting our technology.

While I have no objection to this amendment, I appreciate the words of the chairman, I am hopeful that this can be done in a broader context to make sure that we are achieving our objectives, not freezing things in amber rather working against the long-term interests of both American business and American technology.

Mr. YOUNG of Florida. Mr. Chairman, if the gentleman will yield, the gentleman makes a very good point, and it has not fallen on deaf ears.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. GRANGER).

The amendment was agreed to.
The Acting CHAIRMAN. The Clerk will read.
The Clerk reads as follows:
The amendment was agreed to.

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 for national security purposes or there exists a significant cost or quality difference.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certification 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 for national security purposes or there exists a significant cost or quality difference.

SEC. 8064. During the current fiscal year, 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 maintained when the necessary corrective steps have been taken.

SEC. 8065. None of the funds appropriated in this Act shall 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 requires.

SEC. 8066. The Secretary of Defense, in consultation with the Secretary of the Treasury, 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.

SEC. 8067. None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system as defined by the Under Secretary of Defense (Comptroller).

SEC. 8068. None of the funds appropriated in this Act shall be used for a mission critical or mission essential financial management information technology system as defined by the Under Secretary of Defense (Comptroller).

SEC. 8069. 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 obtaining or providing access to any kind of a battle will tell you that they want to make sure that those aircraft overhead belong to us and not to the other guys. so that icy rigging solutions that take place in the theater of battle that look to be on their face nonsensical and perhaps driving people to do things that in the long run may provide problems for protecting our technology. While I have no objection to this amendment, I appreciate the words of the chairman, I am hopeful that this can be done in a broader context to make sure that we are achieving our objectives, not freezing things in amber rather working against the long-term interests of both American business and American technology.

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SEC. 8066. The Secretary of Defense, in consultation with the Secretary of the Treasury, 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.

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SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certification 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 for national security purposes or there exists a significant cost or quality difference.

SEC. 8064. During the current fiscal year, 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 maintained when the necessary corrective steps have been taken.

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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 for Acquisition, Technology, and Logistics may require additional certifications, as appropriate, with respect to any such plan. 

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

(A) System reengineering.

(B) Analysis of alternatives.

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

(D) Certification measures.

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

(6) 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 5306 of title 44, United States Code.

(2) The term ‘‘information technology system’’ means the component of a major automated information system that implements the specified functionality of the system.


SEC. 8068. None of the funds provided in this Act, $2,500,000 is hereby appropriated to the Department of Defense, to remain available until expended: Provided, That notwithstanding any other provision of law, these funds shall be available only for grants to the Fisher House Foundation, Inc., for the construction and furnishing of additions to Fisher Houses to meet the needs of military families when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8075. Amounts appropriated in title II of this Act are hereby reduced by $71,100,000 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’’, $31,100,000.

(2) From ‘‘Operation and Maintenance, Navy’’, $35,000,000.

(3) From ‘‘Operation and Maintenance, Marine Corps’’, $5,000,000.

SEC. 8077. Of the amounts appropriated in this Act under the heading ‘‘Research, Development, Test and Evaluation Defense-Wide’’ , $77,175,000 shall be made available for the Arrow missile defense program: Provided, That of this amount, $13,000,000 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 purposes for the same fiscal year and the same period of time, 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.

(1) From ‘‘Operation and Maintenance, Army’’, $20,000,000.

SEC. 8079. Amounts appropriated in this Act under the heading ‘‘Research, Development, Test and Evaluation Defense-Wide’’ , $15,000,000 shall be made available for the purpose of producing production of missiles and 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 purposes for the same period of time 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.

SEC. 8076. The total amount appropriated or otherwise made available by this Act is hereby reduced by $22,000,000 to limit excessive growth in the procurement of advisory and assistance services, to be distributed as follows:

(1) ‘‘Operation and Maintenance, Army’’, $20,000,000.

(2) ‘‘Operation and Maintenance, Marine Corps’’, $2,000,000.

(1) From ‘‘Operation and Maintenance, Army’’, $20,000,000.

(2) From ‘‘Operation and Maintenance, Marine Corps’’, $2,000,000.

(1) From ‘‘Operation and Maintenance, Marine Corps’’, $2,000,000.

(1) From ‘‘Operation and Maintenance, Marine Corps’’, $2,000,000.
Under the heading “Shipbuilding and Conversion, Navy, 2002/2007”:

New SSN, $31,000,000; Carrier Replacement Program, $318,400,000; Under the heading “Shipbuilding and Conversion, Navy, 2003/2007”: New SSN, $22,000,000; Under the heading “Shipbuilding and Conversion, Navy, 2005/2009”: and LPD-17 Amphibious Transport Dock Ship Program, $11,000,000.

Sire 1973. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under section 7622 of title 10, United States Code arising out of the collision of the USS CHICAGO and the EHI ME 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.

Sire 8060. 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. 411) during fiscal year 2007 until the enactment of the Intelligence Authorization Act for fiscal year 2007.

Sire 8081. 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.

Sire 8082. (a) In addition to the amounts provided elsewhere in this Act, the amount of $5,400,000 is hereby appropriated to the Department of Defense for “Operation and Maintenance, Army National Guard Maintenance, Army National Guard Maintenance.”

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, As-
Sect. 8097. The Secretary of Defense shall, not later than 90 days after the enactment of this Act, submit to the congressional defense committees a report detailing the efforts by the Department of Defense Education Activity (DoDEA) to address dyslexia in students at DoDEA schools: Provided, That this shall include a description of funding provided in this and other Department of Defense Appropriations Acts used by DoDEA schools to address dyslexia.

SEC. 8098. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for military personnel, notwithstanding the prevailing price or other limitations applicable to the purchase of passenger carrying vehicles.

TITLE IX

ADDITIONAL APPROPRIATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, $4,346,710,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, $10,000,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, $229,096,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, $1,954,145,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, $659,788,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, $2,428,000,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, $1,964,145,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, $1,761,500,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, $2,987,108,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide” $2,186,673,000, of which up to $300,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation deemed to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the Department of State, and in notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, $251,000,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, $2,987,108,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, $2,500,000,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, $2,987,108,000: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for “Operation and Maintenance, Defense-Wide” $2,186,673,000, of which up to $300,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation deemed to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the Department of State, and in notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: Provided further, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Iraq Freedom Fund”, $1,000,000,000, to remain available for transfer until September 30, 2008, 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 Assistance; procurement; research, development, test and evaluation; and working capital funds: Provided further, That the amounts provided under this heading, $1,000,000,000 shall only be for classified programs, described in further detail in the classified annex accompanying this Act: Provided further, That not less than $1,000,000,000 shall be available for the Joint Yadigar Organization: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time periods as the appropriated or fiscal year fund to which transferred: Provided further, That the 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 for which the funds were 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 prior to the making of any such transfer: Provided further, That the congressional defense committees shall summarize 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 directly related to the global war on terrorism, and other anticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for “Aircraft Procurement, Army”, $132,400,000, to remain available for obligation until September 30, 2009: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other anticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for “Procurement of Weapons and Tracked Combat Vehicles, Army”, $275,000,000, to remain available for obligation until September 30, 2009: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other anticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, $183,150,000, to remain available for obligation until September 30, 2009: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other anticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy”, $28,865,000, to remain available for obligation until September 30, 2009: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other anticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT, MARINE CORPS

For an additional amount for “Procurement, Marine Corps”, $621,450,000, to remain available for obligation until September 30, 2009: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other anticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for “Aircraft Procurement, Air Force”, $912,500,000, to remain available for obligation until September 30, 2009: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other anticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for “Missile Procurement, Air Force”, $32,650,000, to remain available for obligation until September 30, 2009: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other anticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

WAPONS PROCUREMENT, NAVY

For an additional amount for “Weapons Procurement, Navy”, $313,400,000, to remain available for obligation until September 30, 2009: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other anticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for “Aircraft Procurement, Navy”, $24,816,800, to remain available for obligation until September 30, 2009: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other anticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, $121,600,000, to remain available for obligation until September 30, 2009: Provided, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other anticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

RE VolVING AND MANAGEMENT FUND S

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for “Defense Working Capital Funds”, this title are in addition to amounts provided elsewhere in this Act.

GENERAL PROVISIONS

Sec. 9001. Appropriations provided in this title are available for obligation until September 30, 2007, 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 made available elsewhere in this Act.

TRANSFER OF FUNDS

Sec. 9003. Upon his determination that such action is necessary in the interest of national security, 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 authority to make any transfer pursuant to this section is in addition to any other authority provided to the Secretary of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

Sec. 9004. Funds appropriated in this title, or made available by the Secretary of Defense, with the concurrence of the Secretary of the Army, to enhance their capability to combat terrorism 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. 114).

Sec. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 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, of the funds made available in this title to the Department of Defense for operation and maintenance, not to exceed $1,000,000,000 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 United States military operations in Iraq and Afghanistan: Provided, That such assistance may include the provision of equipment, supplies, services, trains-
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. [Sec. 9007. (a) From funds made available in this title to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander’s Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund 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 (beginning with the first quarter of fiscal year 2007), the Secretary of Defense shall submit to the congressional defense committees and the Committees on Appropriations 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 of the programs under subsection (a). [Sec. 9008. During the current fiscal year, funds made 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 air, land, and sea, 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. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs. [Sec. 9010. The reporting requirements of section 9010 of Public Law 109-148 shall apply to the costs incurred in this title. [Sec. 9011. Amounts provided in chapter 1 of title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 are hereby designated as emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Cong.), the concurrent resolution on the budget for fiscal year 2006. □ 1515 Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 114, line 24 be considered as read, printed in the RECORD, and open to amendment at any point. The Acting CHAIRMAN. Is there objection to the request of the gentleman from Florida? There was no objection. The Acting CHAIRMAN. Are there amendments to that portion of the bill? The Clerk will read. The Clerk reads as follows:

SEC. 9012. None of the funds made available in this Act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq. [AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA] Mr. KING of Iowa. Mr. Chairman, I offer an amendment.
The Acting CHAIRMAN. The Clerk will designate the amendment.
The text of the amendment is as follows:

Amendment No. 1 offered by Mr. King of Iowa:

Strike section 9012 (page 115, lines 1 through 4).

Mr. KING of Iowa. Mr. Chairman, I bring an amendment here to the floor that strikes section 9012 from the bill. The bill language under 9012 says: “None of the funds made available in this Act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.”

Mr. Chairman, I believe that we should not foreclose our options in Iraq, and H.R. 5681 prohibits the United States from entering into any military use agreements in Iraq. If we rule out all bases, we forego a critical part of diplomatic relations. My amendment would strike this section from the bill.

Historically, basing rights agreements have been a necessary part of diplomatic relations with foreign governments. These agreements outline guidelines and conditions for operating American military bases worldwide. It is both common and responsible for the United States to enter into, and periodically renegotiate, basing rights agreements with countries hosting American troops. This has been done with every country hosting U.S. troops including Afghanistan.

The newly elected democratic government of Iraq should be no exception, and it is likely and appropriate that basing agreements will soon be negotiated. In this way, my amendment respects Iraqi sovereignty.

Prohibiting these negotiations will not make the problems go away. Rather, by refusing to enter into a sensible diplomatic dialogue, the United States would neglect its diplomatic duties. Opposing my amendment would tie the hands of those responsible for engaging in civilized diplomatic relations with Iraq, but supporting my amendment would allow for prudent decision-making and dialogue with the independent nation of Iraq.

The use of the term “permanent bases” is a loaded term. The BRAC process clearly demonstrates there is no such thing as permanent U.S. military bases, even within the United States. Furthermore, military basing agreements can be negotiated for any length of time, including short term agreements, and can be renegotiated at any time. I am not proposing installation of permanent bases in Iraq with this amendment. Mr. Chairman, I am simply asking that the United States be allowed to pursue this historically necessary avenue of responsible foreign relations.

Mr. Chairman, I thank you, and urge my colleagues to support this amendment.

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

I think that this amendment does the opposite of what he would hope. It sends a signal to the American public: we expect to spend time there forever. Permanent bases can be negotiated at any point in the future with Iraq. What we are saying with this bill is that at this point in time there shouldn’t be any permanent bases in Iraq. And when you strike this language, it does the opposite of the impact the gentleman wants to have.

As I travel around the country, I hear this all the time. I hear the President say no permanent bases, I hear the Secretary of Defense say no permanent bases in Iraq. I am just reiterating what the policy of this country is, that we shouldn’t have permanent bases in Iraq.

Once we start down this road of permanent bases, I remember reading something where Harry Truman said we would be out of Germany in two or three years; we were there for 50 or 60 years. We are spending almost $8 billion a day, or a month, in Iraq. And I think one of the bases that we were going to build, the construction costs were almost double what they anticipated the permanent base we were looking at or at least the temporary base we were looking at would be. I can’t imagine what a permanent base would cost if you are going to build it. You have got to have permanent security. There are all kinds of things that have to be built in.

This is not the time to eliminate a provision like this, and I would hope that the gentleman would withdraw this amendment because it is very disruptive to what our troops are doing. We are trying to figure out a way to solve this problem. The gentleman offers an amendment like this, I think it has the opposite impact of what he is trying to do.

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

Mr. Chairman, all of us think that there is more that we say here that are extremely important and to all of the Members in the House. But on occasion there are things that are said in this House that are heard by a lot of people not only in the House, not only in our districts, but in other parts of the world.

I understand Mr. King’s amendment, and I understand how serious he considers this to be; but what I am worried about is this: if we strike this prohibition from the bill that was well thought out, what we are saying to the Iraqi people and what I am satisfied the propaganda machine of al Qaeda in Iraq are going to do is use this and say:...
Mr. MURTHA. If the gentleman would yield, is it the gentleman's understanding that such interrogation is not currently being videotaped?

Mr. HOLT. The gentleman is correct. I am informed, well, most recently by a trip to Guantanamo by the Armed Services Committee staff, that videotaping of detainee interrogations has not been conducted consistently and uniformly.

Mr. MURTHA. I can see some merit to what the gentleman is recommending, and certainly I will bring it up to the conference when we get to conference, and we will see what they say about it. I can see some merit in what the gentleman is proposing, and I will certainly do my best to work something out.

Mr. HOLT. Well, I thank the gentleman for his leadership on this and related issues. I know the gentleman was instrumental last year in facilitating the establishment of specific guidelines for the treatment of detainees, and I hope that once again he can help refine and strengthen our policies in this area in conference. I thank the gentleman.

Mr. ISRAEL. Mr. Chairman, I thank the distinguished gentleman, and I know he, above all people, realizes that our energy dependence is a national security issue that we must triumph over. I thank the gentleman.

Amendment offered by Mr. Castle

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

At the end of the bill, add the following new Title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

Sec. 10001. None of the funds made available in this Act may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract concerned.

Mr. CASTLE. Mr. Chairman, let me just start by thanking the gentleman from Florida and the gentleman from Pennsylvania and their staffs for their exemplary work on what is not easy legislation. What I am about to discuss is something that has been brought more to light this spring than it had been brought heretofore, but I think it is documented enough that we should try to add it to this bill. It is a simple but, in my judgment, much-needed amendment to the legislation before us today.

Currently the Department of Defense spends over $200 billion annually to acquire products and services from defense contractors, including everything from spare parts to major weapons systems. In an effort to encourage contractors to perform at the highest level possible, the Department often gives its subcontractors an opportunity to collectively earn billions of dollars through monetary incentives known as award fees.

We fund a Defense budget of $500 billion this year, including supplemental spending. Of that amount, $10.6 billion is spent on the Pentagon’s direct energy costs alone, and of that $10.6 billion, $4.7 billion bought one thing, fuel for our Air Force planes. That is about the size of our entire Air Force fuel complex. The Department has budgeted for the National Cancer Institute this year alone.

The Department of Defense uses 97 percent of all Federal fuel consumption, and half of that is used for fuel for Air Force. A single F-16 can burn 28 gallons of gas a minute, in fact. Mr. Chairman, unfortunately, $10 million for the Air Force’s alternative fuels research program to help reduce our reliance on foreign oil to fly our own Air Force planes is not included in the budget.

I was going to submit an amendment that I would let the Air Force allocate $1 million for B-52 synthetic fuel testing, $1 million for B-2 synthetic fuel testing, and about $3 million for studies on synthetic fuel and suitability for use in jet engines. However, I will not proceed with my amendment in the hope that the honorable gentleman and the ranking member will pursue this effort during conference with the Senate.

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

Mr. ISRAEL. I yield to the gentleman from Pennsylvania.

Mr. MURTHA. Mr. Chairman, I think you are absolutely right. Matter of fact, 10 years ago, we put language in that would allow them to produce jet fuel from coal. The Air Force did not particularly like it, did not particularly agree with it, but now this particular year they said to me this could reduce the cost of their fuel substantially. So I agree with you, and we will do everything we can to work this thing out.

Mr. ISRAEL. Mr. Chairman, I thank the distinguished gentleman, and I know he, above all people, realizes that our energy dependence is a national security issue that we must triumph over. I thank the gentleman.
Unfortunately, while there is no doubt that U.S. weapons programs continue to be the best in the world, the Department’s acquisition process has at times run into problems such as dramatic cost increases, late deliveries, and significant performance shortfalls, wasting millions of dollars in critical funding.

In response to these setbacks, Congress recently asked the General Accountability Office, known as GAO, to study the Department’s use of incentives in the role they play in the acquisition system. On April 5, the GAO reported that the Pentagon’s current incentive practices often do not hold contractors accountable for achieving desired outcomes and routinely undermine efforts to motivate contractor performance.

Specifically, the GAO noted that the Department regularly provides these bonuses to contractors, often giving them second, third, and fourth chances, despite the fact that the contractor work does not fulfill the Department’s expectations. As part of its report, the GAO issued detailed recommendations for how the Department could improve its strategy for using incentives to motivate contractor performance. The Pentagon has concurred with the majority of GAO’s suggestions, and during consideration of the fiscal year 2007 defense authorization bill in May, I successfully included a language that implements these reforms.

While the language included in the authorization bill is a crucial step forward, the effectiveness of these changes will ultimately be determined by how well GAO’s recommendations are executed.

The Pentagon recently identified significant cost overruns in 36 of its major weapons systems. With such costs rapidly increasing, my amendment ensures that the use of the funds provided in this bill will be used to continue the wasteful incentive practices identified by GAO.

As the Department moves forward in complying with GAO’s findings, this amendment will provide an additional safeguard, to make certain that these funds are not wasted in violation of the new incentive guidelines.

Mr. Chairman, cost increases and business management weaknesses damage our military’s ability to provide our men and women in the military with the resources to keep us safe. While we obviously have a lot of work ahead of us to improve the efficiency of military spending, I believe this amendment is a simple way to work with the Department to make certain that incentives are being used to maximize its return on investment and provide soldiers with needed capabilities at the best value for the taxpayer.

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

Mr. Chairman, the subcommittee is well aware of the issue that the Castle amendment addresses. In fact, the subcommittee had scheduled a hearing to look into not only this issue, but a number of other acquisition issues where we believe that there can be some performance changes. Unfortunately, because of a heavy voting day on the floor, we had to postpone that hearing, which will be held sometime in July now.

In view of that, I want to say that I agree with what Mr. CASTLE is offering, and I am certainly prepared to accept his amendment. I think it is a good amendment.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Castle/Shays amendment. As chair of the Science Committee, I oversee the National Oceanic and Atmospheric Administration, or NOAA, and the critical weather forecasting services it provides. NOAA is a partner with the Air Force on the next generation of weather satellites, known as NPOESS.

In May I held a hearing about an Inspector General report on NPOESS. One of the key findings of the IG report was that the contractor received excessive award fees for a problem-plagued program. Over the first 3 years of NPOESS—September 2002—September 2005—the contractor received 84 percent of the award fee available to it, for a total award of $11 billion. The problem is that the NPOESS is more than 5 years late and its total costs have risen from $6.5 billion to $11.5 billion. In my mind, that does not represent performance worthy of $123 million in award fees.

Another investigative body, the GAO, found that excessive award fees are not unique to NPOESS, but are a problem throughout the Department of Defense. Mr. CASTLE’s amendment directly addresses specific recommendations in that GAO report by prohibiting payment of award fees if contractors do not meet expectations.

It is absolutely vital that the major programs like NPOESS succeed. NPOESS will provide our “eyes in the sky” for both civilian and military weather forecasting, and we cannot afford to be in the dark. My amendment allows the excessive use of award fees to continue in these major procurement programs and must hold contractors accountable for how they spend taxpayers’ money. I strongly support the Castle/Shays amendment and urge my colleagues to also support it.

Mr. SHAYS. Mr. Chairman, I strongly support Mr. CASTLE’s amendment to prohibit the Department of Defense from awarding bonus fees for good performance to any defense contractor that does not meet the contract’s requirements.

Mr. Chairman, I’m disappointed we need to debate this subject. I’m disappointed that while our servicemen and servicewomen are in harm’s way, and while the Congress and the American taxpayer are spending billions of dollars to ensure they have all the resources and equipment they need, the Defense Department is paying bonuses to companies that haven’t earned them and companies are accepting bonuses that are not due to them.

During consideration of the Defense Authorization Act, we wisely passed an amendment authored by Mr. CASTLE that requires the Defense Department to develop and issue standards that link award and incentive fees to desired program outcomes, such as meeting cost, schedule, and capability goals. I look forward to the Department implementing these standards, but until they do we should ensure unwarranted and undeserved payments are not paid.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

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

Mr. Chairman, he that hath no fury like an electronic warfare officer spurred into action.

This field is quite technical and obscure, but provides one of the keys to achieving the capability by which the United States can command the skies with such few casualties.

While the Air Force has eliminated its fleet of tactical jamming aircraft, the United States Navy has kept theirs based on the EA-6B Growler aircraft. The Navy’s choice in this field appears to be superior because during conflicts with Bosnia, Kosovo, Iraq and Afghanistan, our joint combatant commanders have routinely denied entry to U.S. tactical aircraft in the theater of war unless there was a Growler present to ensure that enemy air defenses were rendered blind or under attack.

Mr. Chairman, the Growler fleet is now aging. Most aircraft are well over 30 years old and are planned to be replaced by the electronic attack variant of the F-18, the F-18G or so-called Growler. The Growler is vital to maintaining the safety of future Navy air crews sent into harm’s way against competent air defenses.

Mr. Chairman, under the committee’s mark we changed the President’s request from buying 30 F-18E and F and 12 Growlers to buying 42 F-18E and Fs. This would dramatically delay the F-18 Growler line for a year and may present a gap in the force protection for Navy air crews sent into harm’s way.

Mr. Chairman, I would like your assurance that when we move this bill to conference, if there is an additional 302(b) allocation available, we might be able to address this critical 12 aircraft F-18G, Growler, model procurement so that we make sure that Navy air crews have not just what they need now, but what they need in the future with regard to tactical jamming aircraft.

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

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

Mr. YOUNG of Florida. Mr. Chairman, thank you very much for yielding, and I would say to the gentleman, as you and I have discussed this many times, the importance of this capability cannot be overstressed. It is extremely important.

The gentleman has reminded me, and I remember very well, in Kosovo and Bosnia we had to bring the EA-6Bs from all over the world to concentrate the air masses to get the additional capability. I think, is well-intended. I will be glad to work with the gentleman as we go to conference.
As you are well aware, our 302(b) allocation was $4 billion less than the President’s request, and so we had to do some cutting. Unfortunately, there are a lot of things that we would have liked to have done that we just could not do. The money was not there, but the goal is to try to do some very important things. I think more so than most people realize, but as an officer who flew in those aircraft, you know an awful lot about this.

So I want to do the best we can to enhance our capability. Thank you for bringing this issue to the Congress.

Mr. KIRK. Mr. Chairman, I thank the chairman and wish to work with you and the Chief of Naval Operations on this and make sure that we can work together in conference to make sure our Navy air crews have full electronic support.

AMENDMENT OFFERED BY MR. ENGEL

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

The Clerk read as follows:

Amendment offered by Mr. Engel:

At the end of the bill, insert the following provision:

Sec. 10001. None of the funds made available for defense travel under this act may be obligated or expended for the development, deployment, or operations of the web-based, end-to-end travel management system of the Department of Defense known as the Defense Travel System, or the DTS.

Therefore, Mr. Chairman, my amendment would simply limit the money available to fund this failed effort, which is known as the Defense Travel System, or the DTS.

After 8 years of development and almost $500 million spent, less than 15 percent of all DOD travel is actually booked on the system. Logically, that means over 85 percent of the travel in DOD is booked on traditional travel services. Every trip that is booked on the system is also manually reviewed by a travel agent to confirm that the transaction is complete and that it has attained the lowest applicable airfare. So if you divided the amount of taxpayer money we have invested in this system with the number of trips that have actually been successfully booked through this system, each transaction would cost about $1,500 before the actual travel cost or the travel agent fee. And what makes this situation even worse is that there are other GSA-approved electronic-based travel systems that are fully operational today and do not cost the taxpayers one penny in maintenance or development cost and only charge on a per-transaction basis for every successful transaction when it is actually used.

Mr. Chairman, spending $.5 billion on a travel system that does not work and nobody uses might actually be worse than the days when the DOD spent $640 on toilet seats. At least people used the toilet seats.

Mr. Chairman, I encourage my colleagues to support the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I rise today to commend the Navy for having the best record for purchasing alternative-fuel vehicles of any agency in the Federal Government. Whereas the overall record for all agencies is just 26 percent of all new acquisitions being alternative-fuel vehicles, the Navy had a 62 percent overall rate, which is 2,722 of the 4,338 vehicles they acquired.

I have been making these amendments on every appropriations bill because I feel so strongly that we ought to have the different agencies abide by the laws that Congress passes which would require them to purchase more alternative-fuel vehicles.

The Army is also to be commended because this one agency purchased 8,835 alternative-fuel vehicles, about 50 percent of the 17,703 vehicles the Army acquired last year. In fact, the Army acquired more AFVs than all the other civilian agencies combined.

Many of you may think that I am fast becoming a broken record coming to the floor and talking about alternative-fuel vehicles. I prefer a more apt metaphor: I feel like the squeaky wheel.

So if you divided the amount of taxpayermoney we have invested in this system with the number of trips that have actually been successfully booked through this system, each transaction would cost about $1,500 before the actual travel cost or the travel agent fee. And what makes this situation even worse is that there are other GSA-approved electronic-based travel systems that are fully operational today and do not cost the taxpayers one penny in maintenance or development cost and only charge on a per-transaction basis for every successful transaction when it is actually used.

Mr. Chairman, spending $.5 billion on a travel system that does not work and nobody uses might actually be worse than the days when the DOD spent $640 on toilet seats. At least people used the toilet seats.

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

Mr. Chairman, this amendment would bar all funds in this act for development, deployment, or operations
for the Defense Travel System. This would put us back to millions of individual transactions that would be almost totally unaccountable and which would have no proper oversight.

I admire the gentleman’s goal in trying to whip a system that is better than DTS, but I don’t think he has done that. He has just done away with the DTS. We are attempting to get some integrated financial management at the Pentagon, and DTS is just one of the many programs that is trying to integrate this information. The program has some problems, but I don’t think we ought to kill the effort and go back to ground zero and start all over again.

The prohibition on spending any money to develop, deploy or operate would bar the Department from even operating the current system and would also bar the Department from continuing any improvements to DTS. This would ultimately leave the Department with unneeded active duty military, reserve, and civilian employees without any travel system. DTS is currently the only system that can meet the full spectrum of cost, capability, security, and savings requirements, as well as the information of personal information so important to the Defense Department and its global travelers.

Interrupting development of this important program would cause an enormous disruption, adversely affecting and, in some cases, seriously jeopardizing Defense Department mission requirements. I believe this amendment is well intended, but I believe that barring all funding would be a serious mistake, so I oppose the amendment.

Mr. HENSARLING. Mr. Chairman, I rise today to support the amendment of the gentleman from Indiana. Certainly there is no government agency or no government Department that is immune from having waste, fraud, or abuse and duplication; and this does indeed include the Department of Defense.

I have no doubt that there is much hard work that has been done by the gentleman from Florida, the chairman of the subcommittee, but I also believe that every single Member of this body has a responsibility, has a duty in these challenging fiscal times to root out the waste, the fraud, the abuse, and the duplication wherever they can find it.

I think that once again, as we look at how much money the taxpayers have already invested in a system that clearly does not work, when 85 percent, approximately 85 percent of the travel out of DOD is booked in other systems and only 15 percent is in the DTS, clearly there are alternative systems available. GSA has already approved two E-travel systems that are being used throughout the Federal Government and could also be used by DOD.

So when you have $5 billion that is being invested in a system that doesn’t seem to save any money, and certainly I don’t think the case can be made that it is essential to our national security or essential to our war effort.

We are sitting here in very challenging fiscal times, when our national debt, in just a few years, has gone from $5 trillion to $7 trillion. Mr. Chairman. Of course, at the same time, tax revenues have escalated. We have personal tax revenues up 15 percent and corporate tax revenues are up 40 percent. That would seem to indicate that the challenge of the national debt is on the spending side.

So when you have 10,000 Federal programs spread across 500 to 600 different agencies, it is almost impossible for any one Member or any one committee to have effective oversight on each and every one. So I applaud the gentleman from Indiana on his work here. Because we all know that soon, soon in America’s future we will face a very, very bad fork in the road.

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

The other fork in the road is going to lead us to a Federal Government that consists of almost nothing but Medicare, Medicaid, and Social Security. There may be no Department of Defense. There may be no Border Patrol. We will see that in one generation.

The other fork in the road is going to lead to doubling of taxes on the American people. And that is unconscionable, Mr. Chairman. It is just unconscionable. We all know that old saying of a billion here, a billion there, and pretty soon we are talking about real money. Well, it looks like we have at least $.5 billion here that has been spent on a system that nobody is using; that costs way beyond what the marketplace is charging now, and there are alternative systems developed by private enterprise that are doing a better job and being utilized by others.

So, indeed, our Nation faces two great threats. The war on terror, of course, is the greatest threat; but we have another threat, and that is out-of-control spending. And every Member, every Member of this body has the responsibility to root out the waste, the fraud, and the abuse; and that is why I salute the gentleman from Indiana for what he has done.

I don’t think the case has been made that this is essential to our national defense. I don’t think the case has been made that it is helping taxpayers. So we need to prevent future tax increases. We need to prevent more debt being placed upon our children and our grandchildren, and I think we need to adopt the amendment of the gentleman from Indiana, and I once again salute him for his work.

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

I want to thank the gentleman from Indiana for offering his amendment to H.R. 5631. Mr. CHOCOLA has been a constant fighter against waste, fraud, and abuse, and today he offers an amendment that gives us sound responsibility oversight, which is a critical part of our job here in Congress. He has done us a favor by bringing this program to our attention.

The Defense Travel System was envisioned as an end-to-end E-travel system for DOD employees. Yet with the money spent, we could have, for the next 40 years, given Orbitz $1 million a month; plus, with the additional $50 million or $60 million that we are putting in, we could pay them another $4 million a month just to use their computer system to do approximately the same thing.

Or else, if we had decided for the 15 percent of the people who are actually using the system, we could have bought a fleet of $250 million personal jets and used $1 million a year to fuel those jets up and fly the people around. All the facts point to a system that is behind schedule, overbudget, and inoperably broken, costing taxpayers a lot of money. At times like this, Congress should help agencies stop digging themselves deeper holes. This amendment will stop funding this wasteful program and allow DOD to stop digging themselves into a deeper hole they should not be in and reconsider a better plan for scheduling, ticketing, and paying for travel.

I urge my colleagues to support the gentleman’s amendment.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment and ask for a “no” vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. CHOCOLA).

The question was taken; and the amendment offered by the gentleman from Indiana 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 (as set out in New York on December 10, 1984):

(1) Section 2340a of title 18, United States Code.


(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2009 (Public Law 111–87).
The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARKEY. Mr. Chairman, the amendment which I am offering today is a direct response to the need to reaffirm the United States’ commitment to the Convention Against Torture. It does this by prohibiting the use of funds in contravention of laws and regulations promulgated to implement the Convention.

Now, even if this statement is a bit repetitious, because I offered essentially the same amendment to three appropriation bills on this House floor last year, and each time the amendment was adopted with near unanimity. And since those votes, we also passed the amendment of Senator McCxain, which prohibits cruel, inhumane or degrading treatment of detainees under the law.

But President Bush, in his signing statement of that bill, announced that he did not agree because we sent a signal to individuals with near unanimity. And since those votes, we also passed the amendment of Senator McCain, which prohibits cruel, inhumane or degrading treatment of detainees under the law.

As he has been in the past. It is important that the United States Congress make it very clear to anyone who would listen that we do not intend to use torture and that we do not use torture or inhumane treatment.

As the gentleman suggested, the House agreed with the McCain amendment, and it was included in last year’s legislation.

We believe that the Markey amendment basically restates existing law, and because of that we have no objection.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

AMENDMENT OFFERED BY MR. FLAKE

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 for the Office of the Secretary of Defense for the project designated as the “Wind Demonstration Project”.

Mr. FLAKE. Mr. Chairman, this process of challenge earmarks on the floor is oftentimes described by windmills, so I suppose it is only proper that we start today with an earmark for the wind demonstration project.

This amendment seeks to prohibit $6.3 million from being used to fund this project. It appears that this is the second year in a row that this project has received multiple millions of dollars in Federal funding. Last year’s defense appropriations included $4.25 million for this same earmark. It appears the funding was not requested by the administration.

While little information is made available in this year’s report, last year’s conference report indicated that the funding for the “wind demonstration project on a U.S. Air Force installation using domestically manufactured turbines that are new to the U.S. market to test the security and reliability of wind generation on base.”

So I ask when this country is at war and seeing unprecedented increases in the Federal debt, why are we spending more than $10 million on windmills for military bases? How is this the list of extensive and costly priorities for the United States military that testing newly introduced turbines rises to the list above research and development that could save lives? How is it possible in addition that taxpayers could be asked to spend more than $10 million on an earmark that doesn’t even include such basic information as where this will be described or what companies will directly benefit from the funding?

How can we honestly say to Members that Members have a real oversight, that we have real accountability here when we are spending millions of dollars?

I would submit that spending like this doesn’t just waste precious defense dollars, but it leaves taxpayers hanging in the wind.

Let me simply conclude by saying that this applies to many amendments that I will address today. They may be worthy projects, yes, but how can we justify them? How can we justify using the money in the defense bill?

As we have a technology, wind generation. Let me just say in March 2005 at the request of Congress, the Department of Defense issued a renewable energy assessment that stated that currently 2.5 percent of the energy used on military installations is already from renewable sources. This level of renewable energy use meets a Federal goal already set by the Department of Energy.

In addition the report indicated the best way to increase the level of renewable energy being used by military installations was through purchasing commercially developed renewable energy, not by spending earmarked money, millions of dollars, to put windmills there.

Mr. SCHIFF. Mr. Speaker, I rise in opposition to the amendment.

There are a lot of ideas that Members of Congress come up with that the Department of Defense initially opposes, and then they find out all at once that they worked.

For instance, some years ago we came up with a research project to produce fuel for jets out of coal, and now you would think it was the Air Force’s idea, and we will save as much as 55 percent of the cost of the jet fuel. This is something where the commercial side is way ahead, and we certainly ought to be trying to reduce our dependence on foreign oil. I would ask for a “no” vote on this amendment.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. SCHIFF

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

The Clerk read as follows:

AMENDMENT OFFERED BY MR. SCHIFF

At the end of the bill (before the Short Title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. (a) None of the funds made available in this Act may be used to engage in electronic surveillance in the United States Code.

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

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. MARKEY

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

As usual, Mr. MARKEY is very persuasive, as he has been in the past. It is
Mr. SCHIFF. Mr. Chairman, I would like to commend Chairman YOUNG and Ranking Member MURTHA for forging a strong partnership with our Defense Department and DOD entities, and I applaud them for their hard work and dedication. As we consider this important bill today, I appreciate the opportunity to address a crucial issue.

At the outset, I want to thank my colleague Mr. INSLEE for all of his leadership on this issue, which has been tremendous. We have been working side by side on this amendment today. I would also like to thank Mr. FLAKE that I have introduced legislation along with for his tremendous leadership. This amendment is, in fact, based on legislation that I have offered with Mr. FLAKE. I also want to thank Mr. VAN HOLLEN for all of his leadership.

The amendment produced with the representative FLAKE several months ago was a bipartisan bill of five Democratic Members and five Republican Members, and addresses the NSA surveillance program that almost every Member of this body learned about in the morning newspapers.

This amendment recognizes two important principles: First, that the government must have all of the tools necessary and all of the authority required to pursue al Qaeda and other terrorists who would seek to harm our country. And second, this amendment recognizes that we are a Nation of laws.

While the President possesses the inherent authority to engage in electronic surveillance of the enemy outside the country, Congress possesses the authority to regulate such surveillance within the United States, and, in fact, Congress has spoken in this area through Title III and through the Foreign Intelligence Surveillance Act.

When the President introduced our amendments, he acknowledged that we had introduced a bill that represented a bipartisan bill of five Democratic Members and five Republican Members, and addresses the NSA surveillance program that almost every Member of this body learned about in the morning newspapers.

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While the President introduced our amendments, he acknowledged that we had introduced a bill that represented a bipartisan bill of five Democratic Members and five Republican Members, and addresses the NSA surveillance program that almost every Member of this body learned about in the morning newspapers.

I know my colleagues Mr. SHERMAN, Mr. INSLEE, and Mr. VAN HOLLEN will want to strike the last word to speak on this as well.

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

Mr. Chairman, Chairman HUNTER, the chairman of the Armed Services Committee is not here today due to a significant personal commitment in his district, and he asked me to state his opposition to this amendment.

Mr. Chairman, I think it goes without saying that this is an extremely important provision, and this amendment would do, in my opinion and in Chairman HUNTER’s opinion, great damage to the ability of our country to provide national security for the American people.

That is why the administration also strongly opposes the Inslee-Schiff amendment. It is a direct effort to cut off the President’s ability to engage in surveillance pursuant to his constitutional authority, and the authorization to use military force as passed by the Congress.

The program has been briefed to all members of the House and Senate Intelligence Committees. They are fully briefed to all aspects of the terrorist surveillance program and are conducting oversight.

I would just point out NSA Director General Hayden said on January 23, 2006, at the National Press Club, “The TSP allows interception of the international communications of people with known links to al Qaeda and related terrorist organizations. There are no communications more important to the United States than those sought by the NSA with al Qaeda with one end in the United States. The purpose here is to detect and prevent future attacks.”

In underscoring the importance of this, on January 25, 2 days later, the President of the United States said, “The 9/11 Commission made clear in this era of new dangers, we must be able to connect the dots before the terrorists strike so we can stop new attacks.” And the NSA program, he said, is doing just that.

Those of us on the Armed Services Committee and other Members of Congress in various other capacities work night and day trying to provide a high level of national security for our country. This amendment would do damage to that effort. It would make that effort at least much more difficult.

To the credit of the CIA and to the credit of the administration and our government generally, we have been able to get through the years since September 11, 2001, without additional attacks.

The activities are reviewed for this program every 46 days. We are making this program public. I think this program is carried out correctly and safely and doesn’t infringe on the rights of the American people. The NSA’s activities under this authorization are thoroughly reviewed by the Justice Department and NSA’s top legal officials, including NSA’s general counsel and inspector general.

Mr. Chairman, I strongly oppose this amendment.

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

The problem we have here is those of us who have been briefed on this program, even though admittedly we were not briefed until it became public, can’t talk about the program. I was briefed for an hour and 45 minutes, and I feel comfortable that there are adequate safeguards. But we can’t talk about the safeguards.

I asked NSA, what can we say about the program and not violate the secrecy? And they said, well, you have to look at what the President said, and he didn’t say very much. This is a real problem we are getting into, and the more we talk about it, the more difficult it makes it.

Now, you are actually authorizing this program. If you vote for this, you authorize this program. You say you have safeguards. That is what you are going to have. If this passes, this authorizes this program. At one point we couldn’t even say that this program existed. So I think this is a very difficult time for those of us who have been briefed about it.

I know there are a lot of people in the executive branch that know about it. But the way I read this amendment, you say follow the proper procedure and you agree with the amendment. You agree with the procedure and you agree with the amendment. I think that this will do real harm if they do it right. But if this passes, I think you ought to know that I think this is authorizing the program. And if I
falls, you are saying, in fact, let them go ahead and not pass. So we are in a catch-22 position here. Mr. Chairman. And we can’t talk about it at all. And I think we have to be careful that more and more people don’t talk about it so that more people don’t know the value of this. And we go from one problem to another. And I recommend we vote against it. But if we vote against it, then we actually are saying, well, you can go ahead with the program as it is. And yet I believe there are enough of us that if we point out that we actually are authorizing the program. I don’t even know if we can work it out, Mr. Chairman, because there are so few people that really know about the program.

Mr. SCHIFF. Will the gentleman yield?

Mr. MURTHA. I will be glad to yield. Mr. SCHIFF. I thank the gentleman for yielding. The amendment says that there is a prohibition on using funds to fund this program unless it meets the requirements of FISA. Any part of the program that does meet the requirements of FISA, meet the existing law passed by the Congress, could continue to be funded. Those parts that do not meet the requirements of FISA, the administration will have to go back.

Mr. MURTHA. Let me take back the time, I agree with that. I agree. And I think there are sufficient safeguards in the program already. I do not believe we are in a bad situation here. Mr. Chairman. I don’t know that I can say any more.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment. As Mr. MURTHA has suggested, there is a lot that can’t be said about this amendment and about this program. But what I would like to say is, let’s not tie our hands behind our back when we are fighting a vicious, cruel enemy.

Intelligence is extremely important in the war against terrorism. First of all, you don’t have, in this particular war, you don’t have an army against an army. You don’t have a country against a country. You have terrorists attacking innocent people here in the United States on September 11, and leading up to September 11, and anywhere else in the world that they decide that they are going to attack.

One of the best defenses against these attacks is to be prepared to know where they might be or when they might strike or what the target might be. Don’t deny the people on the front lines of this intelligence war and information war and the hot war, don’t deny them every tool that they can possibly have.

As Mr. MURTHA said, for those that have been briefed on this program on a regular basis, I am not aware of anyone who is concerned that the rights of Americans or their privacy have been violated. I certainly do not believe that the rights of Americans have been violated in this program. And so I think it is crucial to oppose this amendment; this is far beyond politics. It goes a lot deeper. This goes to the safety and the security of American people wherever they might be. And it is unfortunate that we can’t reveal everything that is done, how it is done, where it is done; but believe me, it is effective and the privacy of American people have been protected.

Mr. SCHIFF. Will the gentleman yield?

Mr. YOUNG of Florida. Yes, of course I would yield.

Mr. SCHIFF. Mr. Chairman, I appreciate your thoughts and I appreciate your yielding. And we are up against a vicious enemy, and we ought to have every power of intelligence and every tool in the tool box and I completely agree with that. I think we can do that within the laws that the Congress has passed. And the gravamen of my concern is something that took place in the Senate, when one of our GOP colleagues asked the administration, during the debate on the PATRIOT reauthorization, which I supported, do we need to change FISA. We were making modest changes to FISA, and the Republican Senator said, Do we need to do something larger? And the administration said, Well, that FISA is operating just fine as it is.

Now, if there are changes that need to be made, there is a 72-hour after-the-fact authorization. If that window is too short, it can be lengthened. If there are not changes, it could be changed. And all that can be changed without disclosing to the public the nature of the program itself.

I haven’t been briefed on it. I am not one of the lucky few, or maybe I am lucky. But it concerns me when the administration says we don’t need to change existing law, when I think we can retain all of these tools, but the Congress can play its role in making sure that these programs are authorized by it and are not being conducted extralegally.

Mr. YOUNG of Florida. Well, let me reclaim my time and suggest that if you want to rewrite FISA, you don’t do it on the floor on an appropriations bill. You introduce a bill, or you go to the proper committee of proper jurisdiction. This is not something you do on the floor. This is serious. It is not something you do on the floor without any real hearings or consideration. If you want to change FISA, let the authorizing committee change it. They are the ones that have the jurisdiction.

Mr. DICKS. Will the gentleman yield?

Mr. YOUNG of Florida. I will.

Mr. DICKS. I am also one of those who have got problems on this particular program. But I would like to ask the gentleman, is the gentleman suggesting that the administration is not complying with FISA?

Mr. YOUNG of Florida. I am not.

Mr. DICKS. Will the gentleman know, that would certainly clear it up without getting into any classified information if somehow here, the chairman of the Intelligence Committee or the chairman of the Full Committee or someone can say, yes, the administration is complying with FISA, and they have taken this program to the FISA court for clearance. That is what people who support this amendment are concerned about. Not the gentleman—excuse me—said something here saying that if you want to go out and gather this kind of information, you have to first go to the FISA court to get approval and to show cause. I think that is what this really all gets down to.

Mr. SCHIFF. Will the gentleman yield so I can respond to the question?
Mr. YOUNG of Florida. Mr. Chairman, I would suggest that the other Members get their own time.

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

Mr. Chairman, I do not want to get into the specific debate on this amendment because I think there are equities on both sides. But I must comment on a statement that was just made by the gentleman from Illinois when he said that this information can’t be more broadly shared is because people in Congress like to talk.

When Mr. Negroponte was before the Defense Appropriations Subcommittee, and I have been an ex officio member of that committee now for over 12 years, but when I asked Mr. Negroponte, who, after all, is the Director of Intelligence, when I asked him whether or not he could cite a single instance in which any member of the Defense Appropriations Subcommittee has leaked any classified information, he indicated he could not.

I also asked him, and I think this is an accurate recollection, I also asked him if he could tell me how many times stories had appeared in the Washington Times that his own agency thought had been leaked by the executive branch of government.

And I asked him how many times he thought those leaks had been provided by the Defense Appropriations Subcommittee. And his response was, to the best of his knowledge, none.

And yet, I want to make clear, not all members of the Defense Appropriations Subcommittee have been briefed. Now, I believe they should have, because taxpayers dollars go through the appropriations bill, and I think every member of that subcommittee needs to know what the facts are on this case. But the fact is, let’s not get into the belief that it is the Congress who routinely leaks. The White House routinely leaks more classified information than the Congress even has. And anybody who doesn’t believe that doesn’t know the facts there.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield?

Mr. OBEY. Yes, I would be happy to yield.

Mr. DANIEL E. LUNGREN of California. I can’t quote Mr. Negroponte, but I can quote Benjamin Franklin who, in 1776, explained the unanimous decision of the Committee on Secret Correspondence for not telling their colleagues in Continental Congress about a covert operation. And he said we find by fatal experience that Congress—

Mr. OBEY. I am going to take back my time. I was prepared to entertain a serious question. That is not a serious question. I am not interested in what happened 200 years ago. I am interested in what is happening today and tomorrow.

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

Mr. Chairman, I am a member of the Defense Subcommittee on Appropriations, as well as the House Select Committee on Intelligence. I’d like to answer several questions that have come up with this amendment.

When questioned about the purpose of this amendment, the author said that he thought that the FISA law, or the Foreign Intelligence Surveillance Act, should be rewritten. And there are some who believe that legislation should be rewritten because it was originally penned in 1978, and we have had significant changes in technology since that time.

Mr. TIAHRT. Mr. Chairman, I think you have the authority to do what the gentleman has alleged that they are doing. I don’t think there is anything that needs to be expressed much beyond this, except that the gentleman from California (Mr. SCHIFF) said he believes that FISA should be rewritten, if it doesn’t meet the requirements of today’s environment, it should be rewritten. This amendment doesn’t do that. All this amendment does is strike funds for any electronic surveillance program in the United States. And I think that would be an opportunity for putting this country in peril.

One of the reasons we haven’t had an attack since September 11, 2001, is because we have used every means necessary to keep ahead of the terrorists.

The terrorists have used videos to advance their ideals. They have used the Internet. They have used Web sites. They have tried to raise money and reach out and touch Americans in a negative way again and again and again, and this country has done everything possible to prevent that from happening, and they have done it successfully, and they have done it by using technology. And this amendment appears to be tying hands on our ability to use technology, and I think that is wrong.

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

Mr. TIAHRT. I yield to the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I think the gentleman for yielding.

Very quickly, the only thing the amendment provides is that surveillance on American soil cannot be funded if it is not in compliance with FISA. So if you are in compliance, if this program complies with FISA, it could go on. Just to address the chairman’s point, and this is on the same point you are making, too, which is we should not be reworking FISA, that is, you should introduce the bill, and it should be heard in committee. Mr. Chairman, we have introduced the bill.

I along with Mr. FLAKE, Mr. INGLIS, Mr. LEACH, and others have introduced the bill. We have not been able to get a hearing in committee, and so the only opportunity for us to raise this issue is on the House floor.

Now, let me also make this argument that FISA is a very narrow portion of our law. There is a much broader scope that is applicable to the situation necessary to protect this country. So focusing on one portion of the law is tying our hands and trying to make the whole world comply with this one narrow segment of law, in my view, it ties our hand, and I don’t think we should do it.

What I would suggest is that you withdraw this amendment, pursue your bill along with the sponsors, because this does tie our hands. It gives us an opportunity to be less safe, and I suggest the gentleman withdraw his amendment.

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

Mr. Chairman, there are times where the Constitution needs to be considered, and this is one of those times. Those of us who support this amendment, I hope that both Republicans and Democrats will do it.

We need electronic surveillance to be doing it to the full extent of the law, and that intelligence should be done in compliance with the American way.

There is an American way to do intelligence, and there is a Chinese way to do it. There is a Russian way to do intelligence. There is a Russian way to do intelligence. There is an American way to do intelligence, and there is an American way to do intelligence. And the American way to do intelligence is to do a very simple thing: Comply with the law that has been passed and signed by Congresses and Presidents.

And all this amendment does is say a very simple proposition: You don’t spend taxpayers’ money to do illegal things. That is all it says. And when it passes, we will do assertive, aggressive intelligence of these scoundrels by doing a very simple thing: Get a warrant. And if you do not have time to get a warrant, get it 72 hours after you do the FISA Court allows that to happen. That is the simple proposition here.

Now, why is that important? It is important because the people who fought the Revolution realized that no American is perfect, and that includes no American President. To the proposition that all men are created equal, you can add the proposition that no
man is created perfectly. And that is why we demand some judicial oversight on this.

And, by the way, the central argument I have heard about this is that a few Congressmen have said it is okay, apparently trusting a Federal judge that it is okay. And we are great Congressmen. I have eminent respect for all the people who were briefed on this. But not a single one of them wears a black robe, and not a single one of them was given authority by the United States Constitution to make this decision. Calling RAY or NORM or any of my great colleagues and saying, “Does this sound okay to you,” is not enough in American democracy.

Now we have had other occasions in our democracy where we have been challenged by fear, and I do not want to see us succumb to that again. And for those of us who think it shouldn’t bother us, the President is not going to bug our phones, and we will lose our liberty because of that attitude, because some Supreme Court Justice said loss of liberty does not come like a curtain coming down like a thunderclap. It comes the way the twilight comes, gradually, and you do not notice until it is too late.

Do we wink at this potential violation. Say that we are going to do intelligence the American way. For those people in Iraq and Afghanistan who are risking their lives for democracy and the liberties we enjoy, don’t have we enough gumption to send a simple message to the executive branch of the United States from the U.S. Congress, a very simple message that we expect the law to be fulfilled, that our personal protection to be fulfilled by getting in a way the law requires? That is all that we require.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment.

There has been a lot of talk about following the law. People seem to ignore what Griffin Bell said at the time the Carter administration brought this bill before the Congress to be passed into law. At that time he very carefully said that enactment of FISA did not exclude the authority the President has under the Constitution.

We have heard on this floor about illegal acts. I would remind my colleagues that the supreme law of the land is the Constitution, and the President has inherent authority under Article II of the Constitution in this area. We may not like it, but the fact of the matter is that is one of the reasons you have the President, the authority and the power that he has under the Constitution. The vesting clause of Article II of the Constitution which gives the President executive authority, coupled with his authority as Commander in Chief of the Armed Forces, forms the basis for the surveillance of al Qaeda members and those who are affiliated with al Qaeda.

I think it is certainly consistent with the Founding Fathers, as expressed in John Jay’s observation in Federalist Paper No. 64: “The President . . . will be able to manage the business of the people in such manner as prudence may suggest.” An examination of historical records makes clear that the Founding Fathers intended the President to have primary, if not exclusive, control over the business of intelligence. It may not like it, but that is what the Constitution establishes. We may have a FISA law, but that does not restrict the President if, in fact, he has inherent authority under the Constitution.

The argument that the President has somehow violated the law misunderstands what the Constitution is the supreme law of the land. Congress has no more authority to intrude on the executive authority of the President than the President has in relation to the Congress. As James Wilson argued during the ratification debate in his own home State of Pennsylvania: “The President of the United States can shield himself and refuse to reveal any action of Congress that violates the Constitution.” In the same context, John Jay points out in Federalist 64 that “it surely does not follow that because they have given the power of making laws to the Legislature, that therefore they should likewise give them power to do every other act of sovereignty by which the citizens are to be bound and affected.” The United States Supreme Court summed it up well in Ex parte Milligan: “Neither can the President, in war more than in peace intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law.”

It is interesting to note for those who have talked about historical record that the First Congress, which created the Department of Treasury and the Departments of War and Foreign Affairs, gave Congress access to the records and papers of the Treasury Department, and not to the Departments of Foreign Affairs and War. It is clear that the power of the President vis-à-vis Congress is broader with respect to foreign affairs than it was in the domestic realm of governance. We may not like it, but that is what the Constitution says.

According to Madison, the ultimate check on Presidential power possessed by the Congress rests with the “first principle in free government.” According to John Marshall in Marbury v. Madison, the limits on such Presidential authority must be found elsewhere in the Constitution itself.

Look, we ought to look at what Justice White observed in his concurring opinion in the Katz decision. These are the words of Justice White: “Wire-tapping to protect the security of the Nation has been authorized by successive Presidents.” In other words, it did not start with this administration. He said, “The present administration would apparently have national security cases from restrictions against wiretapping.” Again, Justice White’s words: “We should not require the warrant procedure and the magistrate’s judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable.”

As explained publicly by the President, he followed the prescription of Justice White. He has personally had hands-on over this. He has had his Attorney General with hands-on authority over this. But then in addition, he did not notify the Congress. He notified the leadership of the House and the Senate committees of jurisdiction. He notified the leadership of the House and the Senate committees of jurisdiction. No, he did not notify all of us, but he complied with the law and the interpretation of the Constitution suggested by Justice White.

I would suggest if one looks up the definition of the word “moderate” in Webster’s Dictionary, you would find the picture of Justice White. He started the middle ground on all of this.

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FISA when he wants to. He does not have to do it ever. That simply cannot be the reason Congress enacted this statute.

I think President Carter had it right when he signed this into law. There is one way and only one way to gather foreign surveillance information domestically, and that is you go and get a warrant and go to the FISA Court first. First. And maybe you have 72 hours to do that. That is certainly understandable.

But in my mind, if you want to change FISA, change FISA. But I cannot accept an interpretation that says the President can comply with FISA when he wants to, and he does not have to comply with it when he does not think it is in his best interest to do so. He is not a king. He is a President.

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

Mr. DICKS. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I want people to understand the sweeping scope of Mr. LUNGREN’s argument. What he argues is that the President of the United States, during a time of fear and war that we are now in, has the unchecked, unfettered, unlimited authority to ignore not just FISA, but any law passed by the Congress of the United States and signed by any President. His argument here means that no law restricts this President or any other President to do anything else.

Not just intelligence. Torture, false imprisonment; you go as far as you want.

Mr. DICKS. Mr. Chairman, reclaiming my time, I want to ask the author of the amendment.

Both of you are the authors of this amendment.

There is no restriction on the utilization of money if the President has complied with FISA; is that not correct?

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

Mr. DICKS. I yield to the gentleman from California.

Mr. SCHIFF. That is absolutely right. The only thing that the amendment does is it says that when you are surveilling people on our home soil here in the United States of America, it has to be authorized by FISA. If it is not authorized by FISA, if it is outside of FISA, you cannot use the funds in this bill.

The gentleman from Illinois says, “Trust us. There are some of us that know the program, trust us. We can’t disclose information about the program here on the House floor.” I am not asking anyone to disclose information about the program on the House floor. The only question raised by this amendment is are we funding programs that are in contravention of existing law, FISA.

I think you are exactly right about my colleague from California’s argument, which is basically the President has the inherent authority to do anything he wants when he wants, surveil who he wants when he wants, how he wants, for whatever reason he wants. In fact, this is why I made the point. When the Attorney General testified in the committee, he said he believed, as evidently my colleague from California does, the President has the inherent authority to tap calls between two Americans on American soil, that he wouldn’t rule that out.

Well, I am not satisfied by an argument that says, trust us. We are from the government.

Mr. DICKS. Mr. Chairman, reclaiming my time, I think President Carter had it right. He said all electronic surveillance for foreign intelligence or counterintelligence purposes in the United States has to come under the FISA Court. That makes sense. That is, I think, the purpose of this amendment, is to make certain that the money is being expended in compliance with FISA.

The gentleman is a cosponsor of this amendment. Is that your understanding?

Mr. INSLEE. Mr. Chairman, if the gentleman will yield, that is exactly right. The President can do all of the intelligence he needs to do in a way that complies with FISA. That is what we want. That is what the Constitution requires.

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

Mr. Chairman, I thank the gentleman from California, and I am pleased to be a cosponsor of this amendment. I would love for the President to have this authority, as he should have it. I would love to give him this authority, but I think unless he is going to go under FISA, he ought to come ask for it. I think that he needs it, I think it is proper.

But when we are told, as we have been on the Judiciary Committee by the Attorney General, that he feels that any domestic surveillance could be okay, he wouldn’t rule it out, what isn’t allowed? Why does the President need FISA at all if he can simply go around it? What purpose does FISA serve? Why did we go through what we went through for months and months with the initial PATRIOT Act and then for a year to reauthorize it?

In the end, we had to ask ourselves, after hearing the testimony of the Attorney General, why did we do this? Why are we so specific and so careful about the powers that we give to the executive when they can simply ignore it and go on their own? It simply begs the question if you are not going to use FISA, why use it?

I submit that the acid test for Republicans on this has to be, would we be comfortable if a Democrat were in the White House using this authority? I have to say I wouldn’t be. But nor am I comfortable if a member of my own party having it.

There is a separation of powers argument here. We are a coequal branch of government, and I think it is our constitutional obligation to say if you are not going to use FISA, tell us why. Tell us what we need to do to make it more applicable.

We have offered that numerous times in the Judiciary Committee, yet we are told, no, you don’t need to change it. Of course we don’t need to change it if they can simply go around it. So I think the gentleman’s amendment is perfectly proper.

I believe if this amendment passes, and the administration feels compelled, they will come directly to Congress and ask for the authority, but they will do it right, and I think the Congress will be glad to give it to them. But there has to be bounds here.

We are the elected representatives. It struck me when one of the Members in opposition to this amendment said a lot of people in the executive branch know about this program. That ought to be disturbing to a lot of us, that far more people in the executive branch know about this program than the elected representatives of the people. Does that not disturb anybody around here that many people in the executive know about it and we don’t?

We are told in the National Security Act that the President is supposed to inform the committees of jurisdiction. It doesn’t say a few members of those committees, the committees of jurisdiction.

I think we simply ought to follow this. This is a reasonable amendment. I would urge those in my party and the other party to support it.

Mr. VAN HOLLEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased to join with my colleagues in offering this amendment.

I think we should all be able to agree on a couple things. This is an extremely important issue. It should be beyond partisan politics. We should use all our means to intercept communications from al Qaeda for our national security. We should also abide by the rule of law.

The rule of law is not an a la carte thing. You don’t get to pick and choose which laws you like and which laws you don’t. We don’t say to the American people when we pass statutes in this Congress and they are duly signed by the President in accordance with the Constitution, pick the ones you like to comply with and ignore the ones we don’t.

Well, this President and any President should not be held to any different standard than the American people when it comes to abiding by laws duly passed by this Congress and signed by the President in accordance with the Constitution, and that is what this debate is all about.

The amendment is very simple. It is so straightforward, I am just going to read a portion of it right now. “None of the funds made available in this act may be used to engage in electronic surveillance in the United States except as authorized under the Foreign
Intelligence Surveillance Act of 1978” and other chapters cited here.

In other words, comply with the laws passed by this Congress and signed by the President.

Now, we have heard from our colleagues at the Intelligence Committee. I think to trust us, this is a needed program. A lot of us haven’t had the benefit of that information. But I would say, many of us have not disputed the need for the program.

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

Mr. VAN HOLLEN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, all of the articles of the Washington Post that talked about this said that it wasn’t, in some cases. None of us get in trouble for disclosing that fact. Your amendment doesn’t restrict money if it does comply with it.

Mr. VAN HOLLEN. Mr. Chairman, reclaiming my time, absolutely. If it complies with FISA, it is fine.

Now, what is troubling is the Attorney General was asked way back why he didn’t come to Congress to seek changes to the law to accommodate this program, and he said he considered that possibility, but then he didn’t think Congress would pass it. Well, if that is your conclusion, you don’t get to just say, well, I am going to ignore the law and implement it. You have to work with Congress.

What is really troubling is I think all of us here, if we heard the same information that members of the Intelligence Committee say they have access to, would also conclude it may be a necessary program. But if it is, let’s put it within the confines of the law. That is all this amendment does.

Yes, it authorizes electronic surveillance. We want it to authorize electronic surveillance. But we want to authorize electronic surveillance within the confines of existing law, and if existing law can’t accommodate that program, let’s come back here, let’s pass a statute and change it.

Those who say FISA hasn’t been changed, it is outdated, the fact of the matter is we have made eight changes to FISA since its enactment in 1978. We can make more changes to FISA right now to accommodate this program.

But let’s just make it clear: If you don’t get a law passed by the Congress, you don’t get to choose to ignore it. It is not an a la carte system. Our Constitution is based on the rule of law. We can protect the American people, we can intercept al Qaeda communications, and we can do it in accordance with the rule of law.

I urge my colleagues to adopt this amendment.

Mr. ANTONIO RODRIGUEZ of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I congratulate the authors of this amendment. The debate here and potentially the outcome concludes a very long discussion: We do not suffer in this country from a problem of the Presidential usurpation of power. We suffer from congressional dereliction of duty. It is not a case of the President overreaching. It is a case of us ducking and dodging and letting him do all the tough issues.

This amendment is a very simple one. Now, Members have said on the other side, I heard the gentleman from Kansas say, why don’t you bring in a bill? Two reasons: First of all, if we bring in a bill, it would never see the light of day. How can a majority party which has specialized in strangling legislation at its birth complain when we don’t think that is a good way to debate important issues?

But the other reason. This is one that can sustain a veto. The Supreme Court has made it very clear: It will not referee disputes between the executive and legislative branches. The only way you can put some restraint on the President who is acting without restraint is by an amendment that says there are limits on what he can do with the money.

Now, we have heard selected quotations from John Jay. Poor old John Jay hasn’t been mentioned in years. I am glad his spirit has been invoked. But nobody much cares about John Jay most of the time.

We have had some Supreme Court cases cited. Youngstown Sheet and Tube, as I recall the analysis, it was there are three situations. I will ask for additional time, because I would like to have a colloquy. The President acting alone, the President acting with Congress, and the President acting in contradiction to what Congress has said.

The analysis has always been acting with Congress, the President is at the peak of his powers. Acting alone, it is the weakest. Here, since we have FISA, this is in contradiction to what Congress has said, he is at his weakest. Here, since we have FISA, this is in contradiction to what Congress has told him to do.

So I would now yield to the gentleman. Would he begin just by citing the parts of the Constitution that are relevant, and then, obviously, he is free to say what he wishes.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding. I was speaking of the vesting clause of the United States Constitution that gives the President with the executive powers—

Mr. FRANK of Massachusetts. Please read it. I would ask the gentleman literally to please read it, because I think it will justify what he says it says. Please read it.

Mr. DANIEL E. LUNGREN of California. I don’t have the exact words.

Mr. FRANK of Massachusetts. I would ask, would a page bring me the Constitution while we are talking?

Mr. DANIEL E. LUNGREN of California. It is the vesting clause of the Constitution, vesting in the President
the executive authority, coupled with his authority as Commander in Chief.

Now, let me just say to the gentleman, so we can make it clear, I have never argued that the President has this authority in all things, as some have suggested, to kill people, to do this, to do that. I have consistently argued which suggested in the area of gathering foreign intelligence, which is about what we are talking.

Secondly, I would just say that the gentleman is right that we do have the power to do that. I take back my time. The gentleman knows that. I take that if he can find, I thank the gentleman and I appreciate that. I take that if he can find, I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. I don’t argue at all that this is an inappropriate amendment to be considered, because this is the proper exercise of our authority to the power of the purse. What I have suggested is the argument that the President is acting illegally and unlawfully are not appropriate, because he is acting under the Constitution, in my judgment.

Mr. FRANK of Massachusetts. I take back my time. So the gentleman then agrees with this point. There is nothing inappropriate about this amendment. So while he believes the President is within his power to do this, does the gentleman agree that if this amendment is adopted by a majority, the President would be bound by it?

Mr. DANIEL E. LUNGREN of California. He would be bound by it with respect to the expenditure of funds in this particular bill. I don’t think there is any question about that.

Mr. FRANK of Massachusetts. So that that is our common ground, I think the gentleman and I appreciate that. I take back my time. The gentleman knows the rules. The gentleman knows the Constitution, which he knows the rules. I take back my time just to say, so we understand—

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. I just want to say, stop hiding behind varying degrees of constitutional interpretation. By hiding behind them, I mean this: I don’t think that people sat and said, oh, geez, this is what John Jay told me and this is what I am bound by. I think we are talking here about what we think public policy ought to be. Should the President or should not the President have to get a warrant through FISA? That is the text of this amendment. Let us debate the public policy.

I yield first to the gentleman from Washington.

Mr. DICKS. I just want to say to the gentleman, I agree with that. Also, think that the American Bar Association looked at this. They came to the conclusion that the President had to comply with the FISA law.

Mr. FRANK of Massachusetts. Let me just say this. Here is the constitutional text that my friend from California invoked, and pretty accurately. Good memory the gentleman has. Article II of the Constitution specifically vests the power shall be vested in a President of the United States of America.

Now, he says that gives him the power. This is circular. Why does the President have the power? Because he has the executive power. But we are precisely here defining for ourselves, as Americans today, what the executive power is and has meant to be. All this says is that he has the executive power. Does the executive power mean he can lock someone up without a warrant? Does the executive power mean he can ignore an act of Congress and wiretap when he wants to? That is the question. Saying that the executive power is vested in him simply is a way of putting the question. The question is, What is the executive power?

I yield to the gentleman from California.

Mr. SCHIFF. I thank the gentleman for yielding. I just want to get to one question that has I think not been answered to the opposition to this amendment. And that is, the suggestion is by those who know the program better than I do that parts of it don’t meet the requirements of FISA. And my question is, Why can’t this program be authorized by law? Why can’t we change the law to authorize it?

Mr. FRANK of Massachusetts. I will answer the gentleman’s question: because the President and his supporters do not want to concede that there is any limit on his power even if he could get this done through FISA, and that is the—

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

Mr. FRANK. I ask for an additional minute.

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

Mr. YOUNG of Florida. Reserving the right to object, and I will not object, but we are talking in circles. We are not even talking about some of the main issues that are before us. The main issues that are before us is the Clinton administration, there are—

Mr. FRANK of Massachusetts. I thank the gentleman.

Mr. YOUNG of Florida. Just a minute. It is under my reservation.

Let us bring this to a close. We can repeat our arguments so many times. I withdraw my reservation.

The CHAIRMAN. The gentleman withdraws his reservation.

The gentleman from Massachusetts is recognized for 1 minute.

Mr. FRANK of Massachusetts. In my remaining minute, I understand, I will say that my good friend from Pennsylvania I think is probably not distressed that we are talking about something that is not the heart of the bill. But the fact is, I will close by this, we are talking about it here because this is the sponsor of the amendment just admitted that we are talking about an authorization. This is an appropriations bill. This should be done at an authorization committee where you all are.

Mr. FRANK of Massachusetts. I thank the gentleman.
saying here. We are fully in favor of empowering law enforcement, but we do not want them to be exclusive in the exercise of that power. And asking that they go before a judge to justify it when they are going to be wiretapping an American serving us to be reasonable and to do no harm to America.

And to repeat my answer to the gentleman from California: the opponents of this amendment are the proponents of the view that the President’s power should be entirely unchecked, and that is dangerous.

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

I thank the Chair, and I appreciate the discussion and the debate that we have had on this amendment. I join with the chairman of the subcommittee and the ranking member of the subcommittee in opposing this amendment.

It would jeopardize one of the most critical tools we have to prevent terrorist attacks on the United States. In addition, it would interfere with an ongoing course of oversight that has been conducted on a bipartisan basis by the leadership in the authorizing committee since the inception of this program.

It is the day after 9/11 and the President has asked NSA, other parts of the intelligence community, the military: What is the threat? How do we most effectively respond to what the threat is to the Nation? And he has asked the intel community and the military to come back with various options as how best to protect the United States in that time of uncertainty, and the executive branch and the various agencies come back with a series of proposals as to exactly what they believe can be done and should be done to keep America safe.

The President doesn’t act unilaterally; the President acts in a collaborative basis. It is not an overreaching of an Executive.

To my colleague from Arizona, if a President of the other party went through the same processes that this President went through and exercised these authorities would I support that President? My answer would be different than my colleague from Arizona; the answer would be, yes, because the process was very straightforward. Four times within the first 8 months after 9/11, it pertains to the executive branch and reviewed this program in detail. Do you know what they said? This is a program that is necessary in a time of uncertainty. We support this program, and it needs to move forward.

We have had some discussions and disagreements as to the extent of the number of people that should have been briefed on the authorizing committee. We have worked through that process, and now every single person who has the desire to be briefed on this program is briefed on the program and have had the opportunity or will be given the opportunity when they get new questions of the committee to have every single one of their questions answered.

We have a way ahead on our authorizing committee. The ranking member has introduced legislation that she thinks may address some of the issues. But we know that FISA and electronic surveillance is a very, very difficult issue because technology has changed significantly since FISA was originally developed. And so we are going to move forward, and I am thrilled that within the Intelligence Committee we are going to continue a bipartisan way ahead. It doesn’t mean we are going to agree, but it does mean that we have laid out a process as to what the needs of the intelligence community to keep America safe, what the legal framework is, and evaluate the changes in technology and the environment so that we can do the necessary oversight. And I fully agree with the gentleman that with the needs of America’s security.

Ms. HARMAN. Mr. Chairman, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentlewoman from California.

Ms. HARMAN. I appreciate it that you mentioned bipartisanship and mentioned our committee. I had not been planning to speak during this debate. I have great admiration for the bipartisan sponsors of this amendment. I also agree with their point, which is that the total program must comply fully with FISA. But my view is, as the chairman has stated, that we should fund what the legislative committee has laid out a process as to what the needs of the intelligence community to keep America safe, what the legal framework is, and the changes in technology and the environment so that we can do the necessary oversight. And I fully agree with the gentleman that with the needs of America’s security.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. HOEKSTRA) has expired.

(By unanimous consent, Mr. HOEKSTRA was allowed to proceed for 2 additional minutes.)

Ms. HARMAN. I would like to ask our chairman: Will you agree that that bill and perhaps others will be the subject of the committee oversight and the subject of a legislative hearing in our committee at a reasonable future date?

Mr. HOEKSTRA. Reclaiming my time. I thank the gentlewoman for her comments. From my perspective, it is very, very important that Congress create the legal framework by which the President exercises his authority. And the only thing that could override that collaborative box that in our case we put the intelligence community in would be the overriding authority of the Constitution.

I thank my colleagues.

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

Mr. Chairman, I want to thank my colleagues for bringing this issue to the floor in the form of this amendment today. I think that they have done the country a great service. If this House had been doing its job properly, this issue would have been out here on the floor of the House of Representatives quite some time ago.

The fundamental principle that we are dealing with here is simply this: we are a Nation of law. All of our law is based upon the Constitution. There is nothing in the Constitution that gives the President of the United States the authority to violate the law. The President of the United States has violated the law.

This is not the first administration that has sought to govern the country on the basis of the creation of a climate of fear. As one of our colleagues pointed out earlier in this debate, that can be traced all the way back to the Adams administration, the first Adams administration. But that attempt eventually was overthrown, and it didn’t take a long time.

The last time we had a President of the United States who engage in illegal surveillance on the American people, the last time we had a President like this one who was engaging in that kind of activity, was the Nixon administration. President Nixon engaged in illegal surveillance on the American people. As a result of that and other things, he was forced out of office.

Subsequently the Congress developed the Foreign Intelligence Surveillance Act, FISA, in 1978. There are some of us who believe that FISA itself is a compromise of the fourth amendment of the Constitution. The fourth amendment of the Constitution guarantees
independence and privacy to every single American citizen, and there are some of us who believe that the FISA Act compromises that. Nevertheless, it is the law.

So what do we have now? We have a President who has gone beyond the Foreign Intelligence Surveillance Act, who has engaged in illegal surveillance against the American citizens.

Mr. HINCHNEY. Mr. Chairman, I yield to the gentleman from California.

The CHAIRMAN. The Chair would direct the Member not to refer to the President of the United States in accusatory terms.

Mr. HINCHNEY. Mr. Chairman, I intend to speak in the way that I believe is appropriate, and I will continue to do so.

The Foreign Intelligence Surveillance Act was set up to ensure that the President did not violate the law and go beyond it. This administration has violated the law. We have not addressed that. The House of Representatives, the Senate has not addressed this issue.

Now we have an opportunity to address it by virtue of the fact that we have this amendment before us. This is an important vote today. Every Member of this House should act in accordance with the law and accordance with the Constitution and vote for this amendment.

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

Mr. HINCHNEY. I yield to the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding. I will be very quick. Two final points in response to what the chairman and the ranking member of the Intelligence Committee had to say.

First, there is legislation on this subject, bipartisan legislation, that was introduced on March 16. We have had no oversight hearing on it, no markup on it, nothing, zero, zilcho, nada, which is what we are on the appropriations bill, the only vehicle in which we could raise this issue.

Second, both Members have said that this amendment would somehow jeopardize an existing NSA program. What that means is that far from my colleague from California’s point, that the program does not comply with FISA. Otherwise, how could it be jeopardized? So there is an admission by the chair of the committee that the existing program does not meet the requirements of FISA.

What still has gone unanswered is why can we not make changes to FISA and the existing law? If this is such a vital program, why does it have to be and the existing law? If this is such a program does not meet the requirements of FISA.

There is nothing that gives the President of the United States or anyone in this administration the authority to engage in surveillance of the American people, not a single American citizen, outside of the definition requirements within the Foreign Intelligence Surveillance Act.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HINCHNEY. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, the Supreme Court has made it very clear it will not rene fundamental constitutional debates over power between the executive and legislative branches. Only if you got a case would this get to the Court, and they will dodge and duck and never allow there to be a case. This is the only constitutional way to confront it.

Mr. WELDON of Florida. Mr. Chairman, I mean to strike the last word.

Mr. WELDON of Florida. I yield to the gentleman from California.

Mr. SCHIFF. I am glad we are having it. I think this is an absolutely terrible amendment. The question is really do you believe we are at war or not. The President has made it very clear. You have a known al Qaeda operative.

Let us go back to World War II. You have got a German or a Japanese agent, in Germany, in the south Pacific, speaking to various people, and you want to listen to them. Would the law of the United States in World War II, if they began speaking to somebody in the United States or a known American citizen, want the listening device put down and go to a judge? That is what we are talking about.

He is in a cave, he is in Afghanistan, he is in Baghdad, he is talking. Let us talk about Israel, okay? Do you think the Mossad, if somebody is speaking from Jordan, and there are known terrorists operatives, and they are speaking to somebody in Israel, they want to put down the listening device and go in front of a judge? That is what we are talking about.

Are we at war, or are we not at war? It is a known al Qaeda operative. They are overseas, and suddenly they are talking to an American citizen, be it in the United States or elsewhere, and it is time to put down and stop listening and go find a judge and put together a case to review it? I believe we are at war, and they want to kill us. They want to kill our wives. They want to kill our children.

This is a good debate because this debate has been going on for months and months, and this is a horrible, horrible amendment because it ties one hand behind our back, and it should be defeated, and we should vote it soon and vote it down.

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

Mr. WELDON of Florida. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I appreciate your courtesy, and I do think this is an important debate. I appreciate your perspective.

I want to ask you a forthright question. Do you understand that under the scenario you have posed, that you can go over the executive, 72 hours after the event, 72 hours after the event, you go and get a warrant, you can continue your tap, you can get the intelligence, 72 hours? Do you understand that is all of our amendment? Because it is.

Mr. WELDON of Florida. I understand that I want them to keep listening. I want the information, and this is what the debate is about. You want to stop. You want to go to a judge. I do not think we should.

Mr. INSLEE. Mr. Chairman, if the gentleman will yield, I want to make sure you understand. I want to make sure the gentleman understands that under this amendment, you do not have to stop listening to anybody. Ever. We want to continue listening, and we simply require that 72 hours after that, we ask the executive to have another set of eyeballs take a look at it to make sure it is compliant. The gentleman understand this amendment does not stop anybody ever, as long as you go and have a warrant 72 hours after the intelligence gathering? Do you understand that is the purpose of our amendment? Because it is.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from California.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, that begs the question as to whether or not you can, in fact, effectively do that with the 72-hour limitation. There are those running the program that suggest that is not possible, not because necessarily the limitation on going to court, but all of the work that needs to go forward before you get to the court to get the approval. That is what we want to be talking about.

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, as I understand it, what you all have laid out is not that easy to do basically; that you have to make a case in front of a judge, and it is a known al Qaeda operative. I think we should be listening to all of their conversations.

Mr. INSLEE. Mr. Chairman, if you will yield just for a moment, I just want to make sure members understand what we are voting on. If this amendment passes, the President of the United States and his executive authority will be able to continue
to listen to these conversations unimpeded, unimpeded, as long as they go to a judge 72 hours after.

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, I think they should be able to do that. If you have a knowledge of the law, certainly we should be listening to all their conversations. We should be listening to all conversations from all al Qaeda operatives.

Ms. HARMAN. Mr. Chairman, I move to strike the last word.

Mr. HOEKSTRA. Mr. Chairman, I rise to engage the chairman of the Intelligence Committee in a colloquy. Let me just state before we have this colloquy, my position is that FISA, as presently drafted, must cover the entire program. This is my position after being fully briefed on the program, as the chairman said, and being fully briefed by the NSA and the Justice Department about how FISA works. It is my position that FISA can and must cover the full program. Be that as it may, I would like to ask the chairman some questions.

As you noted, Mr. Chairman, some of us on the committee and a total of 50 Members of this House have introduced H.R. 5371, the LISTEN Act, which would require that this program be brought under FISA, and also states that more resources will be made available to change the way FISA is implemented so that using electronic means, more staff, whatever it takes, there will be a more efficient way to do emerging threats. I know you are aware of the contents of our bill.

My question to you is are you prepared to hold a legislative hearing in the Intelligence Committee on our bill and any other bills that may be pending before our committee that address this issue of FISA as it is connected to the NSA program?

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

Ms. HARMAN. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I thank you for yielding.

As the gentlewoman knows, we have worked through this very much in a collaborative process. We followed on the heels of the former chairman and the former ranking member in trying to make sure that we do this in a bipartisan basis.

We have had a number of briefings on this so we can fully understand how FISA works both from the NSA, from Justice and a number of place. It is interesting for those people who are not part of the committee, who make categorical statements that nothing has happened, and we know that we have had a way forward, where we have done things.

But in terms of your simple question, I just had to take the shot, the opportunity to respond to just what I thought were some unfair characterizations as to what you and I have been doing in the committee. I commit that we will have a legislative hearing on this and other proposals that will create a framework that hopefully can move out of committee, but there will be a legislative hearing, yes.

Ms. HARMAN. Mr. Chairman, reclaiming my time, are you prepared to hold legislative hearings or hearings to report a bill to the House floor? Will you personally agree not to block any bill from being reported to the House floor?

Mr. HOEKSTRA. I will not use my position as chairman of the committee to block a consensus of the Intelligence Committee to move a bill to the floor.

Ms. HARMAN. Mr. Chairman, I want to clarify this for myself and others who are listening. You are prepared to consider this bill, H.R. 5371, which would force this entire program to comply with FISA. Actually much credit for the construct of H.R. 5371 does go to Mr. SCHIFF and Mr. FLAKE. I just want to clarify, and then I would like to yield. H.R. 5371 says the entire program must comply with FISA, and we will hold a legislative hearing on this bill and other bills, the committee will then report legislation to the House. Is that correct?

Mr. HOEKSTRA. We will hold a legislative hearing, and we will determine whether there is a consensus in the committee that will enable us to move a bill that would reform FISA and move it to the floor.

Ms. HARMAN. Well, our bill, reclarifying my time, does not reform FISA. It just gives resources to make FISA work.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. HARMAN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, we are further along than we were, the past to the consensus, consensus is nice, but nothing in the House rules or the Constitution or the writings of John Jay say that it is a prerequisite for moving legislation. If we have the membership that is briefed on the program, and if we report a bill to the House floor for action, I would hope that the House would respond to that promptly.

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

Mr. Chairman, I must confess I am a little ambivalent about this amendment because the amendment seems to say that we should obey the law, and some people might get the implication if we don’t pass the amendment that we are free to not obey the law. The amendment says that funds are prohibited from being used to engage in electronic surveillance in the United States except as authorized under the Foreign Intelligence Surveillance Act or title III. Well, the Foreign Intelligence Surveillance Act says that. It says that this title and title III shall be the exclusive, exclusive, that is the word used in the law, the exclusive authority for domestic surveillance, for domestic wiretapping. Anything outside of that is illegal. Anything the administration is doing outside of FISA and title III, by the terms of FISA, is illegal.

Certainly we should obey the law. I will vote for this amendment because I can’t imagine the House saying we shouldn’t obey the law, although I hear some of that from the other side. The fact is that this entire program, insofar as it is done outside of FISA or title III, is by definition illegal because the law says so, period.

Ms. HARMAN. I yield to the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I just point out to the chair and ranking member, I know my bill, and I amend that the gentleman’s also, has now been referred to both Intel and Judiciary, and without a similar commitment from Judiciary, there is really no commitment that would come to the floor.

Ms. HARMAN. Mr. Chairman, I wish the Judiciary Committee would also act. Mr. CONyers is a lead author with me of the bill I am talking about. But I think it is critical that the Intelligence Committee have the membership that is briefed on the program, and if we report a bill to the House floor for action, I would hope that the House would respond to that promptly.
hard and takes too long to get a warrant, even 72 hours after the surveillance begins, which is what FISA says. Well, if that is the case, let the administration make that case and let us amend FISA.

Remember why FISA was passed. FISA was passed because of tyrannical illegal conduct by the FBI and by prior administrations that was considered by the Congress. After hearings and after revelations, they said, my God, we curtailed liberty in this country. We invaded law-abiding, law-abiding, law-abiding citizens under the cover of law, and we should never do that again; we are going to enact some safeguards. And Congress enacted FISA to be that safeguard.

And to say if you want to do domestic surveillance, if you think someone is a Communist agent, in those days, or an al Qaeda agent today, here is the procedure by which you get the authority to wiretap that person. Should a known agent, be it an al Qaeda, be it any other, be it any other, all the time? I would say, yes, but a court would say, yes, too. In fact, we provided in that law for a secret court. You can get an exparte order on secret evidence in a secret proceeding, and you can even do it after the fact, 72 hours.

Now, maybe it should be 96 hours or 5 days. Maybe someone could make a case for that. Let Congress change the law for that. But simply to say, the FBI tells us, the FBI tells us, the administration tells us that obeying the law is too difficult? I remember a few years ago hearing ringing phrases from Henry Hyde and a few other people about the rule of law. We should impeach a President because he allegedly violated the rule of law. And now we come to this floor and say ignore the law? The administration, if it is too hard, can ignore the law?

The law says that FISA and title III are the exclusive authority for wiretapping in the United States, period. No ifs, ands, or buts. All this amendment does is repeat it.

As I said, I am ambivalent about it because I don’t know that we should have to repeat it, but apparently we do. So I urge the adoption of this amendment, and I would remind everybody that to vote against this amendment is to say we are endorsing the violation of the law. We don’t care about the rule of law. We don’t care about the administration’s illegal and extraconstitutional action and we are making ourselves complicit in that and there is no protection, because the President now claims the power to disobey any law under his inherent authority under article II as Commander in Chief. That is a power even George III, didn’t claim, to just disobey the law when he judges it necessary because of his being Commander in Chief of the armed services. He is Commander in Chief of the Armed Services, not of the United States. He is not Commander in Chief of the United States. He is not a monarch.

No President should have the power to disobey the law or to set aside the law when he thinks it necessary. If he thinks changing the law is necessary, come to Congress, change the law, enact a change in FISA. I might support it, I might not. But Congress will work its will in FISA. Simply to say, as this amendment does, that no funds shall be used except in accordance with law, because the law says no electronic surveillance shall occur, that is the words, no electronic surveillance shall occur, as provided for in this act or in title III. That is the law. That is what this says. If we have any shame at all, we should adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

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

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

Mr. SIMMONS. Mr. Chairman, I move to strike the last word for purposes of engaging in a colloquy with the distinguished gentleman of the subcommittee.

On May 11, the House passed the defense authorization bill for fiscal year 2007. As the chairman knows, the bill includes a funding authorization to build two Virginia Class submarines per year, starting in 2009. Consistent with the Navy’s stated requirement, the House bill also includes language requiring the service to maintain a submarine fleet of no less than 48 attack submarines.

Mr. Chairman, it is clear that the Navy has a growing shortage of fast attack submarines, and I offer for consideration the following statistics provided by the Navy: over the last 5 years, the Navy submarine force last fulfilled only 60 percent of the mission taskings; in 2006, the submarine force covered only 54 percent of the combatant commanders’ requests; and most alarmingly, this year the force has met only 34 percent of high-priority missions.

I congratulate this distinguished chairman for his hard work on the defense appropriations bill under consideration today. The bill does not include submarine provisions similar to those found in the authorization bill, however; and so I ask the chairman to work toward a conference solution that includes funding for the advanced procurement of a second Virginia Class submarine sometime before 2012. Increasing our submarine build rate is the only solution to a growing force level gap.

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

Mr. SIMMONS. I yield to the very distinguished chairman of the Defense Appropriations Subcommittee, the gentleman from Florida.

Mr. YOUNG of Florida. The gentleman from Connecticut has made a strong and convincing policy argument for building two submarines each year starting in 2012 and we have discussed this off and on for the last several weeks. He is very, very persuasive. So I can assure him that I will continue to work with him as we prepare to go to conference and go to conference to address the shortage of submarines in our Navy. The gentleman from Connecticut this issue. As I said, we have had many conversations about this. I know of no better champion of submarines in the House than Congressman SIMMONS.

But as we have discussed, the 302(b) authorization for this bill was $4 billion less than the administration requested, so that made a shortage of funds. Anyway, Mr. SIMMONS has made a very strong case and I do intend to work with him because I also believe that we should have a larger submarine fleet.

I go back to the days of President Ronald Reagan, who thought we should have a 600-ship Navy, which we don’t have today, but I supported that as well. And I certainly support increasing the size of our submarine fleet. So I thank the gentleman for raising the issue and doing the good job that he has done in making this case.

Mr. SIMMONS. Mr. Chairman, I thank the chairman for his commitment and applaud him and the rest of the committee for their hard work on this legislation under consideration today, and I look forward to working with him in an appropriate fashion as the Congress moves forward with this important spending bill.

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

Mr. Chairman, the issue I bring before my colleagues is that we have done a very good job in protecting the soldiers on the battlefield, and I want to compliment Mr. YOUNG and Mr. MURTHA for all you have done. And you have done that to protect them against ballistics. So we have given them the body armor. They have the shoulder plates, the throat plate, groin plate, and they have this helmet on them and it protects them against the ballistic and crash.

But we have a problem. The problem is now, when these IEDs go off, we have blast injuries. Where before you would close to a blast and the body or the torso would absorb part of that blast, now that blast hits all that armor that we have put on them, and part of that goes up the face when the helmet is struck or in the chin, and when it goes up into the helmet there is no place for the force to be released. So you get a concussion, and as the force...
Mr. BUYER. I thank the gentleman for his good work.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. Mr. Chairman, when I saw this earmark, which is $1 million for research at the environmental center at Mystic Aquarium, Connecticut, I thought I was experiencing deja vu. We had a similar amendment in the Energy and Water bill just last week, and 6 weeks ago. Now we are looking at the defense bill, and the only difference is the amount of the earmark. I believe it was $400,000 then; this defense bill earmark is for $1 million. My amendment would remove this earmark from the bill.

Now, during our debate a few weeks ago on this subject, we learned that the aquarium has been in operation for over 20 years, that it is an educational institution with expertise in ocean environmental studies and in deep sea exploration. We learned that it provides activities and learning for boys and girls clubs. All of these are worthy activities, certainly. We learned that the world's foremost deep sea explorer collocates his operation at the aquarium. That is Dr. Robert Ballard, I believe.

What we didn't learn was why this aquarium gets favorable treatment over aquariums in Arizona or Massachusetts or Kansas. We didn't learn what enumerated Federal function the aquarium fills. We certainly did not learn, and we haven't learned yet today, and I hope to learn in the next 5 minutes, how the aquarium contributes to the most basic and critical function of defending our country.

We just heard a great discussion about how we need to free up more funding for helmets for our military. I would suggest this is a great place to start. It is often said you can't vote for the Flask amendments because the money will simply be spent anyway by the agency. In this case, the agency is the Department of Defense, and I think it would be hard to believe that they could make a case for a program less wise than this on their own, that they have something that fitters away more dollars than spending on an aquarium.

I like to be a part of this Club, but they aren't fighting for us and defending our country. Maybe they have programs that benefit them at this aquarium, but I would submit that it is no way to spend our defense dollars.

By voting against this amendment, you are saying that we place more value in the defense bill for funding aquariums than we do in funding defense.

Now we were trying to find out when we were researching this amendment, and we were not told much by the Appropriations Committee, so we tried to find out what this is, if it really is a Committee, and I want to, I think it is in Ohio on Lake Erie. I don't know what the aquarium does. I am anxious to learn what it does and how it contributes to defense.

In this process without a unanimous consent agreement on this bill, I am unable to ask questions and then speak later. I hope whoever is sponsoring this legislation or supporting this will please tell us how it is more vital to fund aquariums in the defense bill than funding helmets for our troops, for example, or anything else the Defense Department can do.

I would ask, please, for the sponsor of the amendment or whoever is defending it to tell us why we should be funding aquariums in the defense bill.

Mr. BUYER. I yield to the gentleman in opposition to the amendment and oppose the gentleman's effort to try to eliminate the funding for this program.

Let me first begin by saying that the Supreme Allied Commander of NATO supports this effort as being strategically valuable. Many of us on the committee also support it because it is educational.

Let me explain to the gentleman that the organizations that will carry out the undersea exploration in the Black Sea and in the eastern Mediterranean will do it while the authority of NATO. There are very pre-eminent scholars who are involved in this, including Mr. Bob Ballard, best known for finding the wreckage of the Titanic.

The efforts in the Black Sea and the eastern Mediterranean will be to explore underwater in a cooperative effort with our friends in both Ukraine and in Russia. The Government of Greece will be involved as well, but the instrumentalities that you talked about in this country are only locations through which some of our talented people have been selected and will be coupled with those of Ukraine, Russia and Greece.

As you may or may not know, Russia has a base in Crimea, and as both Russia and Ukraine move towards NATO, I think it is important for the United States to find ways to work with them together so we can do one a very progressive maturation and a set of relationships that include underwater exploration in which everyone feels they have a stake.
broadcast through a live network of museums, science centers, Boys and Girls Clubs, and aquariums, perhaps the one the gentleman mentioned. There are literally hundreds of them, including Department of Defense schools in all of the NATO countries. So there is a benefit for education.

One of the goals is to take and broadcast through Ukraine and Russia so we work on this together. There is actually a term that they use, I might not have it exactly right, but it is like an instant video connect where as they film underwater and begin to identify various undersea artifacts and conditions, and the oceanographers and the scientists involved will make this information available globally.

So the Institute for Exploration Project is designed not only to help our strategic relationships in the region, but it has a benefit for children across the world. And by working on a project focused on exploration of the maritime conditions in those locations, we engage strategically with countries where we need to develop friendships and a common agenda without engaging in any kind of overt military activity. That is a bit of an explanation.

Mr. SIMMONS. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SIMMONS), who has been such a great colleague in helping the Ukrainian Caucus move this project forward.

Mr. SIMMONS. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SIMMONS), who has been such a great colleague in helping the Ukrainian Caucus move this project forward.

Mr. LEWIS of California. Mr. Chairman, I rise to oppose the amendment. The CHAIRMAN. The time of the gentleman from Connecticut (Mr. SIMMONS), who has been such a great colleague in helping the Ukrainian Caucus move this project forward.

Mr. SIMMONS. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SIMMONS), who has been such a great colleague in helping the Ukrainian Caucus move this project forward.

Mr. LEWIS of California. Mr. Chairman, I rise to oppose the amendment. The CHAIRMAN. The time of the gentleman from Connecticut (Mr. SIMMONS), who has been such a great colleague in helping the Ukrainian Caucus move this project forward.

Mr. SIMMONS. Mr. Chairman, I thank the gentleman from Connecticut (Mr. SIMMONS), who has been such a great colleague in helping the Ukrainian Caucus move this project forward.
there is a need that this country has today as it relates to our future security and national defense, it is to one way or another here at the Federal level, where we can impact education, it is to begin to turn around the involvement of young people as well as excellent teachers in the fields of math and science.

Without any question, our future viability in terms of security does relate to America leading in these fields. The JASON Foundation is very much involved in that question; but most importantly, I would like to highlight that by describing the Tech Center in Apple Valley, California, and give you a feeling for what we are talking about as far as turning kids on to math and science and stimulating teachers to become better teachers in the fields of math and science.

A young teacher dealing with kids at the elementary level took them out in the countryside in the nighttime in the desert. He taught them how it getting lost in the desert, and they looked at the stars. When it started getting cold, he thought, we need a center where kids can study these things.

□ 1800

It led to this high-tech center. Amazing over time what has evolved from that model that one day may very well turn around the teaching of math and science in the country. No less than Dan Goldin visited this school, and walking into a classroom with me. Here were about 30 youngsters around the room at computers. The unique thing about this was not just that. But these were third grade youngsters who happened to be handicapped, and they were using their computers to develop lesson plans for their colleagues in the classroom. These third grade youngsters who were using their computers to develop these lesson plans for their colleagues in the classroom. The unique thing about this was the way teachers are turned around the teaching of math and science.

Dan Goldin visited this school, and with this young guy, became convinced that he ought to gift him the first antenna. Now, tens of thousands of these antennas brought men back from the moon. And Goldin’s eyes got big as he examined some of the ideas coming from this high-tech center as to how to turn around the moon. And Goldin is convinced and has been convinced that his colleagues are well aware, we are facing a science education crisis in the United States. Within the next five years, some 70 percent of current advanced math and science teachers will be able to retire. More and more of the science and math students in our top universities are immigrants, with fewer and fewer students from our nation’s public schools each year.

Independent analysis shows that teachers who have the opportunity to attend the JASON seminars and creative workshops to introduce them into an understanding of science and math, and to get their kids enthusiastic about making a career out of these subjects. These seminars are highly recommended by the National Science Teachers Association.

Schools that have served our military families are increasing ranked among the best, and one of the chief reasons for that is their affiliation with enrichment programs like the JASON project. Our responsibility lies not only with providing weapons and training to those who would defend our nation. We must also make the JASON project give the very best opportunities and benefits to our families, who are also making a sacrifice in defense of America. Mr. Chairman, this is a modest amount of money to invest in bringing science and technology to America leading in these fields. The JASON Foundation does serve our military families and science and math students in our top universities are immigrants, with fewer and fewer students from our nation’s public schools.

Mr. Chairman, this is a modest amount of money to invest in bringing science and technology to America leading in these fields. The JASON Foundation does serve our military families and science and math students in our top universities are immigrants, with fewer and fewer students from our nation’s public schools.

Our nation needs that training, and these families deserve it.

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

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

Mr. FLAKE. 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 Arizona will be postponed.

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. SCHIFF of California.

Amendment No. 1 by Mr. KING of Iowa.

Amendment by Mr. CHOCOLA of Indiana.

Amendment by Mr. FLAKE of Arizona regarding the Mystic Aquarium.

Amendment by Mr. FLAKE of Arizona regarding the JASON Foundation.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

Amendment offered by Mr. SCHIFF.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. SCHIFF) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Chair will recognize the amendment.

The CHAIRMAN redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

The vote was taken by electronic device, and there were—ayes 207, noes 219, not voting 6, as follows:

AYES—207

Abercrombie
Ackerman
Allen
Basalla
Baca
Baird
Balbir
Bartlett (MD)
Bass
Bay
Becerra
Belz
Berkeley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bilbray
Gonzalez
Harder
Fankhauser
Garrett (NJ)
Gilchrest
Gilmor
Gonzalez
Green
Hinojoa
Holt
Honda
Hooley
Hostettler
Hoyle
Hunt
Holt
Imlay
Israel
Istook
Jackson (IL)
Jackson Lee
Johnson
Johnson (OH)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kapoor
Kennedy (RI)
Kildee
Klippenstein (MI)
Kind
Kucinich
Langan
Lantos
Larson (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Levin, L. M. (PA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markley
Marsall
Matsuzawa
Matsui
McCain
McCarran
McCaul
McCaul (CA)
McCaul (NY)
McDermott
McIntyre
McKinney
McIntyre
McNulty
Meeks
Menendez
Menendez
Miller
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Neal (UT)
Neal (NE)
Neal (MA)
Napolitano
Nethercutt
Nickles
Nolte
Oberstar
Ola
Olver
Ott
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Roe
Rothman
Roybal-Alard
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda
T.
Sánchez, Loretta
Sanders
Schakowsky
Schiff
Schlesinger
Scott (GA)
Scott (VA)
Sereno
Shays
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Tanner
Taupner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tien
Towns
Ulman (OR)
Ulman (RI)
Upton
Van Hollen
Wasserman Schultz
Watson
Watt
Watson
Waxman
Wexler
Woolsey
Woolsey
Wynne

NOES—219

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. King) 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.

**RECORD VOTE**

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—a yeses 50, noes 376, not voting 6, as follows:

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<thead>
<tr>
<th>AYES—50</th>
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<tr>
<td>Barrett (SC)</td>
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<td>Noes—376</td>
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<td>Not Voting—6</td>
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<td>Cannon</td>
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<td>Davis (FL)</td>
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**ANNOUNCEMENT BY THE CHAIRMAN**

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

**NOT VOTING—6**

| Cannon | Evans | Hunter |
| Davis (FL) | Napolitano | Nunele |
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 vote was taken by electronic device, and there were—aye 141, no 285, not voting 6, as follows:

AYE—141

The amendment was rejected. The result of the vote was announced as above recorded.

ANNOUNCED BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

1842 So the amendment was rejected. The result of the vote was announced as above recorded.

ANNOUNCED BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

1846 So the amendment was rejected. The result of the vote was announced as above recorded.
So my amendment is basically saying that, no, the Air Force could not step in anywhere there is voluntary participation in worship, prayer, study, and discussion. And it is simple on that respect.

Some of the revised interim guidelines that the military put together is worded in such a way that it makes many of us feel a little uncomfortable. It seems like it is a little bit over the line, and I felt personally, and I say to the chairman, my colleague from Florida (Mr. Young), that when you add voluntary, I think that should be enough. And the word official and reasonably clear and some of these extraneous words that would imply intimidation to the people who are trying to worship and pray should not be a part of this interim guideline.

So I wanted to go on record to say I as one Member don’t agree, and I hope perhaps there are other Members who would take this amendment to heart. And so I ask the Air Force when they talk about the revised interim guidelines concerning free exercise of religion in the Air Force, when they talk about the revised interim guidelines concerning free exercise of religion the word “official” is in the paragraph where we are talking about voluntary participation. Let me read this portion to you:

“Voluntary participation in worship, prayer, study, and discussion is integral to the free exercise of religion.”

Now, that we all agree upon. And then they go on to talk about this voluntary religious discussion as official, because within this interim guidelines concerning free exercise of religion the word “official” is in the paragraph where we are talking about voluntary worship. Let me read this portion to you:

“Voluntary participation in worship, prayer, study, and discussion is integral to the free exercise of religion.”

So I hope this issue is taken very seriously. I know Mr. MUSHTA and Mr. YOUNG are seriously looking at this. I hope they will look at it in conference and as they pursue this bill.

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

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

There was no objection.

Amendment offered by Mr. FILNER:

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

The Clerk read as follows:

Amendment offered by Mr. FILNER:

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 place a social security account number on any identification card issued to a member of the Armed Forces, a retired member of the Armed Forces, or a dependent of such a member or retired member.

Mr. FILNER. Mr. Chairman, I thank the chairman and the ranking member of the committee for this discussion we have had on so many issues today.

As the senior Democratic member of the Veterans Committee, I have been particularly appalled at the loss of 26% million records of veterans with their Social Security numbers and some medical data plus about 200,000 active duty personnel. So the issue of identity theft I think is on all our minds. And so if servicemembers and military retirees are at great risk for identity theft because the Department of Defense puts the Social Security number right on their military ID cards. The DOD is thereby placing millions of servicemembers, military retirees, and their family members at risk for identity theft, and the threat is heightened for servicemembers who must carry this ID with them at all times.

We all know identity theft as being one of the fastest growing crimes of the decade, and it creates a nightmare for the victims who suffer. Identity thieves make off with billions of dollars each year, and each day more than 700 people are being defrauded. The Federal Trade Commission recently listed identity theft as the top consumer complaint. With just your name and your Social Security number, a thief can open credit lines worth thousands of dollars, rent apartments, sign up for utilities, earn income, and your credit rating is ruined. You risk being rejected from everything from a college loan to a mortgage, and it is all up to you to figure out how to fix it. Law enforcement will generally not pursue these identity theft cases.

Sixteen percent of the 13 million victims of identity theft in the last 2 years had their wallets stolen. Anybody who had their wallet lose their identity. A military ID is one of those that is generally carried in a wallet. We could have saved 2 million people from the problems of identity theft. Just look at the two individuals who were recently convicted of Federal identity theft after creating 331 fake credit cards in the name of high-ranking military officers. They just found their Social Security numbers and military IDs on a Web site and copied the information from the CONGRESSIONAL RECORD.

The recent incident at the VA affirms our need to wean the Federal Government from its overreliance on the Social Security number for ID purposes. There seems to be a culture of insubordination in many agencies with regard to these numbers. States and universities and health care insurance companies have given up their addiction of Social Security numbers. Why can’t we in the Federal Government?

So I hope this issue is taken very seriously. I know Mr. MUSHTA and Mr. YOUNG are seriously looking at this. I hope they will look at it in conference and as they pursue this bill.

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

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

There was no objection.

Amendment offered by Mr. INSLEE:

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

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, add the following new title:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds appropriated by this Act may be used to waive or modify voluntary discussion of religion. But then general to the free exercise of religion.

The typical words where we are talking about voluntary participation in prayer, study, and discussion is integral to the free exercise of religion. The military, because within this interim guidelines concerning free exercise of religion the word “official” is in the paragraph where we are talking about voluntary participation in prayer, worship, and study, that they would remember my amendment.

With that, Mr. Chairman, I am going to ask unanimous consent to withdraw the amendment. And I hope perhaps there are other Members who would take this amendment to heart. And so I ask the Air Force when they talk about the revised interim guidelines concerning free exercise of religion the word “official” is in the paragraph where we are talking about voluntary participation.

Mr. INSLEE. Mr. Chairman, I thank the chairman and the ranking member of the committee for this discussion we have had on so many issues today.

As the senior Democratic member of the Veterans Committee, I have been particularly appalled at the loss of 26% million records of veterans with their Social Security numbers and some medical data plus about 200,000 active duty personnel. So the issue of identity theft I think is on all our minds. And so if servicemembers and military retirees are at great risk for identity theft because the Department of Defense puts the Social Security number right on their military ID cards. The DOD is thereby placing millions of servicemembers, military retirees, and their family members at risk for identity theft, and the threat is heightened for servicemembers who must carry this ID with them at all times.

We all know identity theft as being one of the fastest growing crimes of the decade, and it creates a nightmare for the victims who suffer. Identity thieves make off with billions of dollars each year, and each day more than 700 people are being defrauded. The Federal Trade Commission recently listed identity theft as the top consumer complaint. With just your name and your Social Security number, a thief can open credit lines worth thousands of dollars, rent apartments, sign up for utilities, earn income, and your credit rating is ruined. You risk being rejected from everything from a college loan to a mortgage, and it is all up to you to figure out how to fix it. Law enforcement will generally not pursue these identity theft cases.

Sixteen percent of the 13 million victims of identity theft in the last 2 years had their wallets stolen. Anybody who had their wallet lose their identity. A military ID is one of those that is generally carried in a wallet. We could have saved 2 million people from the problems of identity theft. Just look at the two individuals who were recently convicted of Federal identity theft after creating 331 fake credit cards in the name of high-ranking military officers. They just found their Social Security numbers and military IDs on a Web site and copied the information from the CONGRESSIONAL RECORD.

The recent incident at the VA affirms our need to wean the Federal Government from its overreliance on the Social Security number for ID purposes. There seems to be a culture of insubordination in many agencies with regard to these numbers. States and universities and health care insurance companies have given up their addiction of Social Security numbers. Why can’t we in the Federal Government?

So I hope this issue is taken very seriously. I know Mr. MUSHTA and Mr. YOUNG are seriously looking at this. I hope they will look at it in conference and as they pursue this bill.

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

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

There was no objection.
Mr. INSLEE. Mr. Chairman, this amendment brought by myself and my colleagues, Mr. VAN HOLLEN and Mr. JONES, seeks to protect very basic job security for the Department of Defense employees by blocking funds for those parts of the National Security Personnel System that have been declared illegal. The workplace environment that would result if this amendment does not pass, that results in destroying basic worker rights; jeoparizes our ability to recruit and maintain qualified, skilled workers to protect our national security. These are hardworking men and women. They deserve our gratitude, they deserve our respect, they deserve a personnel system that respects their work and complies with principles that we hold forth.

I have got to tell you, I just want to note who we are talking about here. These are the men and women who make sure that our equipment works. When I went out and saw the Carl Vinson, one of our great carriers coming back, and I saw the manila campaign, the sailors asked me to thank the people who worked on that carrier to see to it that it could launch 10,000 sorties without losing an airplane.

These people are part of the defense team. They deserve respect. But, unfortunately, the current situation does not give them either respect or fairness in the personnel system.

It is worth noting that the Office of Personnel Management questioned the legitimacy of this new program in March 2004 in a letter to Secretary Rumsfeld and said, "The current system may be contrary to law insofar as it attempts to replace collective bargaining with consultation and eliminate collective bargaining agreements all together. In addition, other elements of the proposal lack a clear and defensible national security nexus and jeopardize what that does.

Now, this is not just us speaking; it is the Federal courts. At the beginning of this year, U.S. Federal District Court Judge Emmet Sullivan ruled that the system failed to ensure even minimal collective bargaining rights. The court further enjoined the National Security Labor Relations Board on the grounds that it did not satisfy congressional requirements for independent third-party review. It has been declared illegal.

Now, one might assume after such a ruling had come down that the Pentagon would attempt to fix the problem and that the administration would do so, but in fact that has gone on after 3 years. They are essentially snubbing their noses at collective bargaining rights, at civil service rights, at the right to know whether you are discharged, your discharge should be, basic fundamental rights that we ought to give to the people who are critical members of the defense team.

Mr. Chairman, I rise in support of this amendment, a simple and commonsense statement from this Congress that says we stand with our Nation’s Federal civilian employees.

We are here today to take a stand and rein in a personnel system that is opposed by nearly each and every one of the 700,000 members of the DOD Federal civil service.

The National Security Personnel System, or NSPS, is a system that restricts our Nation’s Federal civilian employees of their collective bargaining rights, as well as the right to have an independent labor relations board settle disputes, as was recently affirmed in a court of law.

This amendment would withhold the funding to go forward on implementing only those portions of the NSPS declared illegal. It would not arbitrarily kill the system as a whole, but allow Congress to carry out its oversight responsibilities.

Congress has continuously affirmed its strong support of the men and women in our Nation’s military. Today, with this amendment, we are asking the same thing, reaffirm your support for our Nation’s Federal civilian workforce.

Mr. Chairman, by passing this amendment we will help send a message to those highly valuable men and women that we stand with them today; that we stand with those Federal civilians who maintain and repair our Navy and Marine Corps‘ battle-worn helicopters; that we stand with those Federal civilians who maintain, overhaul and upgrade our Navy’s fleet of ships, submarines and aircraft.

I hope that my colleagues in this House of Representatives will join us and vote “yes” on this amendment.

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

I am pleased to join with my colleagues Mr. INSLEE and Mr. JONES in offering this amendment, and the issue here is really straightforward: Are we going to require the Department of Defense to comply with guidelines established by this House and this Congress, or are we going to allow them, one, to ignore the will of Congress and roll over us here in the House of Representatives?

Here is the situation. Back in 2004, this House passed the defense authorization provision that allowed the Department of Defense to comply with guidelines established by this Congress and roll over us here in the House of Representatives?

Now, they have ruled. That ruling is outside the scope of what Congress intended. As my colleague Mr. INSLEE said, you do not have to take our word for it. Just listen to what a Federal judge said, and that is Judge Emmett Sullivan. He is the first person in the District of Columbia to have been appointed by three United States Presidents to three judicial positions, and he ruled in favor of the employees who brought a case and challenged the administration’s decision on this. He said it was outside the scope of what we intended. The Federal judge, therefore, stick up for ourselves? Did we mean what we said back there? A Federal judge has looked at the law and said, clearly, the DOD provisions are outside the scope of what we intended. Anyone who takes a fair look at what this Congress said to the administration and to the guidelines that we had in setting up the system would reach the same conclusion.

Let us not once more roll over. A Federal judge has done the right thing. They said the administration should not roll over the will of Congress. Let us not allow them to do it. Let us make sure that we are careful with our taxpayer money on a system that a Federal judge has said is outside the scope of what Congress intended.

So I urge my colleagues to support this amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I move to strike the requisite number of words.
Mr. Chairman, I want to begin by thanking Chairman Young and Mr. MURTHA for their hard work and support of our troops and support of our Nation's defense, but I also join with my colleagues who have previously spoken.

In November of 2003, I supported the National Defense Authorization Act, which authorized the NSPS system. At that time, I believed that NSPS would produce greater efficiencies in government. Further, I believed NSPS would reward employees that displayed personal initiative, hard work, and productivity, all at the same time while preserving collective bargaining and Civil Service protections.

Unfortunately, as others have outlined, the implementation of NSPS has been staggered and revised on several different situations, indicating both the complexity and the problems when applying some of the good aspects of NSPS with the reality of its implementation.

Last November the Department of Defense and the Office of Personnel Management published the final regulations for NSPS. These did not live up to the spirit of cooperation and collaboration between the government and labor that was promised when Congress passed the authorization bill several years ago.

In fact, as has already been alluded to, a Federal judge agreed with representatives of labor that NSPS failed to meet fundamental standards. On February 27, 2006, a Federal court enjoined the NSPS regulations because they failed to ensure collective bargaining rights, did not provide for independent third-party review of labor relations decisions, and failed to provide a fair process for appealing adverse actions.

For the thousands of Federal workers at Portsmouth Naval Shipyard, which is in my district, which has returned submarines to the water and to fleet commanders sooner than any other yard in the country, all while saving significant millions of dollars on submarine maintenance for taxpayers, it is difficult to imagine that none of this could have been possible under the proposed NSPS format.

So, Mr. Chairman, I appreciate my colleagues who have previously spoken on this issue, and I rise in support of this amendment and ask the entire House to support it tonight.

Mr. MURTHA. Mr. Chairman, I rise in support of the amendment.

I think at times we have an arrogance in the Defense Department when they ignore not the regulations, but what we are trying to do in this legislation. We expected them to talk to the people working in the Defense Department.

I have never seen a better workforce than we have in the United States when it comes to the civilians who support our troops out in the field and civilians who work for the Defense Department. We have tried several years now to get them to do more negotiations. They have continually ignored our advice, and I am very nervous about the way they have handled things.

I have never seen so many union representatives come to me and say, we have asked them for this, and then the court, the court itself, says they are not being treated fairly.

So I would hope we would accept this amendment, Mr. Chairman, at least vote for this amendment. It is a little broader than I would like, but we can always adjust that if we have to at some other point. I would advise, recommend the Members they support the amendment.

Mr. DICKS. Mr. Chairman, I rise in strong support of this amendment.

Based on the actions of the Department of Homeland Security and the Department of Defense, it is clear to me that it is time for Congress to send a message to the Administration about the need of preserving bedrock principles of labor relations.

In making my case for this amendment, I want to recount a few key points leading up to where we are today.

In 2002, Congress enacted legislation to create the Department of Homeland Security. This legislation provided the Secretary of Homeland Security and the Director of the Office of Personnel Management with the authority to develop a separate human resources management system for the employees of the Department of Homeland Security. Subsequently, in the FY2004 Defense Authorization Act, the Department of Defense was authorized to develop and implement the National Security Personnel System.

In August 2005, U.S. District Court Judge Rosemary Colyer ruled that the proposed Department of Homeland Security personnel rules “would not ensure collective bargaining, would fundamentally alter [Federal Labor Relations Authority] jurisdiction ... and would create an appeal process at MSPB [Merit Systems Protection Board] that is not fair.” This federal court has been a wakeup call to the Department of Defense to take care in pursuing changes to labor relations regulations. However, DOD chose to ignore it, proceeding with plans to implement regulations that would make substantial changes concerning collective bargaining and review of appeals of adverse actions.

In February 2006, U.S. District Court Judge Emmet G. Sullivan ruled that specific sections of DOD’s NSPS regulations were invalid. He ruled that NSPS “fails to ensure that employees can bargain collectively,” that the proposed National Security Labor Relations Board “does not meet Congress’s intent for independent third party review,” and that “the process for appealing adverse actions fails to provide employees with fair treatment.”

To their credit, the labor organizations that represent many federal government workers have been vigilant in protecting the rights of their members by appealing to the courts. I believe that it is time for Congress to reinforce the ruling of the federal court to ensure that the Administration gets the message: Congress does not intend that core principles of labor relations are to be eroded by DOD, and we are prepared to make that crystal clear by prohibiting the expenditure of funds on steps that violate the intent of the law.

I urge my colleagues to support this amendment.

Mr. HOYER. Mr. Chairman, I rise in support of the amendment offered by my colleagues, Representatives INSLEE, JONES and VAN HOLLEN, which would prohibit the use of funds in this bill to be expended on specific elements of the National Security Personnel System.

In February, U.S. District Court Judge Emmet G. Sullivan ruled that the Department of Defense, in establishing a rule to execute the National Security Personnel System, had failed to ensure the rights of the approximately 7000 civilian employees of the Department of Defense.

Specifically, the judge determined that the rule: Fails to ensure that employees can bargain collectively.

Does not meet Congress’s requirement for “independent third party review” of labor relations decisions.

And that the process for appealing adverse actions fails to provide employees with the “Fair Treatment” required by the Congress.

Yet, despite the decision, the department has proceeded with the implementation of the rule.

Mr. Chairman, this amendment simply ensures that the Department of Defense will not continue to pursue a policy that is clearly against the law and against the best interests of our national security.

I commend the gentlemen for their continued efforts on behalf of our Federal employees and urge my colleagues to support this important amendment.

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

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

AMENDMENT OFFERED BY MR. FLAKE:
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 the Center for Rotorcraft Innovation.
Mr. FLAKE. Mr. Chairman, before addressing this amendment, let me simply speak to the problem with this process of earmarking. We have the last amendment with regard to the Jason Foundation. All we know is that it was signed, believe, requested for Ashburn, Virginia.

We still do not know, after having voted for it, after 322 Members voted for it, after people came to defend other earmarks, nobody came to defend this one. We still do not know. What we do know is the administration never requested it, that no hearings were ever held, no markup was ever held. We still do not know why it is in the defense bill.

As I mentioned, we do not know who requested it. There is no oversight mentioned, no, no process or structure for oversight, nothing, yet we just appropriated $1 million for the Jason Foundation in Ashburn, Virginia. That is all we know, and that is all we will probably ever know.

What kind of process is that? It is simply wrong. We should have a process that is more transparent where there is real accountability.

Let us go on to this amendment. This is an attempt to strike $1 million for the Center for Rotorcraft Innovation in Media, Pennsylvania. This amendment would prohibit funds in the bill from being used for the Center for Rotorcraft Innovation.

According to the center’s Web site, their goal is to enhance the competitiveness of the U.S. rotorcraft industry in the world marketplace.

I should say nobody is more supportive of a strong, viable rotorcraft industry than I am. Just about 2 miles from my house is the Boeing facility that makes the Apache. About a mile and a half from my home is where MD Helicopter has made for Special Forces the Little Bird helicopter. So this is important for my district, and every other district that does have a strong, viable rotorcraft industry.

But what we should not be doing is picking winners and losers and saying the Federal Government, in the defense bill, is going to prop up industry or another. We simply should not be doing that.

The helicopter companies that are principal members of the center are world-class and competitive because they produce a great product needed by our military and militaries around the world.

I have toured a number of times the Apache facility. I have heard the accounts of soldiers who have been to Iraq and Afghanistan, and the Apache has performed wonderfully. I have also toured MD Helicopter. It is a great product. I am sure Sikorsky and others who manufacture helicopters do as well.

The question becomes, why are we using the defense bill as a mechanism to fund a center like this when these businesses are fully capable of marketing their own products?

The rotorcraft industry wants $4 million of Federal defense dollars to subsidize their marketing efforts around the globe. They are doing pretty well. I hope they continue to do well. They are competitive because they make a good product, not because the Federal Government subsidizes them.

Many of them compete for government contracts. That is great. We rely on them, but we shouldn’t be saying, all right, we are going to pick you and we are going to lavish you with Federal dollars to help you sell your product.

Those of us who oppose corporate subsidies for cotton and sugar and tobacco and the airline industry. I think that we also ought to say, if we are going to oppose those subsidies, why don’t we oppose subsidies for the rotorcraft industry as well?

At this time of war, we need to send money to help our troops and not subsidize private industry. Again, it is not the role of the Federal Government, and certainly not in a defense bill, to be picking winners and losers in industry, saying you are going to get a subsidy but you are not.

This argument will come up as we offer additional amendments in the next few minutes, but I would ask support for this amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

According to the center’s Web site, their goal is to enhance the competitiveness of the U.S. rotorcraft industry in the world marketplace.

I should say nobody is more supportive of a strong, viable rotorcraft industry than I am. Just about 2 miles from my house is the Boeing facility that makes the Apache. About a mile and a half from my home is where MD Helicopter has made for Special Forces the Little Bird helicopter. So this is important for my district, and every other district that does have a strong, viable rotorcraft industry.

But what we should not be doing is picking winners and losers and saying the Federal Government, in the defense bill, is going to prop up industry or another. We simply should not be doing that.

The helicopter companies that are principal members of the center are world-class and competitive because they produce a great product needed by our military and militaries around the world.

I have toured a number of times the Apache facility. I have heard the accounts of soldiers who have been to Iraq and Afghanistan, and the Apache has performed wonderfully. I have also toured MD Helicopter. It is a great product. I am sure Sikorsky and others who manufacture helicopters do as well.

The question becomes, why are we using the defense bill as a mechanism to fund a center like this when these businesses are fully capable of marketing their own products?
Mr. Chairman, I submit for the Record the memorandum of understanding, the list of all 21 centers that have received funding from this program, and the Center For Rotorcraft Innovation’s outline.

MEMORANDUM OF AGREEMENT

This MOA is between the Boeing Company, a Delaware corporation having offices at Ridley Park, Pennsylvania, Sikorsky Aircraft Corporation, a United Technologies Company, having offices at Stratford, Connecticut, and hereto referred to as ACI; Bell Helicopter Textron Inc., a Delaware corporation that is a wholly owned subsidiary of Textron having offices at Hurst, Texas, the Kaman Aerospace Corporation, having offices in Connecticut, and Piasecki Aircraft Corporation having offices in Essington, PA, Augusta Aerospace Corporation having offices in Augusta, Georgia, the Kaman Aerospace Corporation; Agusta Aerospace Corporation; Piasecki Aircraft Corporation having offices in Philadelphia, PA and the American Competitiveness Institute, having offices in Essington, PA, Augusta Aerospace Corporation having offices in Philadelphia, PA and the American Competitiveness Institute, having offices in Philadelphia, PA, hereinafter which may be referred to individually as “party” or collectively as “parties”.

I. PURPOSE

Sec. 1: The parties to this agreement agree to provide oversight for the Center for Rotorcraft Innovation (the “Center”), which will be established by the American Competitiveness Institute (ACI), a Pennsylvania corporation with its principal place of business in Philadelphia, PA.

Sec. 2: The Center’s mission will be to administer the innovative rotorcraft pre-commercial research and development with the participation of rotorcraft manufacturers, their suppliers, operators, support providers, academic sources. The goal is to be recognized by the academic and government sources as an authoritative source to achieve adequate and sustainable funding for research and development.

Sec. 3: ACI shall administer, at no cost to the parties, the acquisition and expenditures of federal and private funding for the creation of the Center by:

(i) establishing and implementing a business plan to acquire the necessary funding for the creation and sustenance of the Center; and,

(ii) establishing and implementing a plan for the Center’s design, operations and final incorporation into a rotorcraft organization.

Sec. 4: ACI shall provide oversight consistent with the mission stated above. Such oversight includes coordinated participation and guidance associated with formation of the Center, and such other Administrative support as mutually agreed to by the Parties. Technical oversight, including Program selection and monitoring of projects performed by the Center shall be provided by the other Parties to this Agreement.

Sec. 5: A Center Director will be appointed by ACI to oversee the daily operations of the Center.

II. BACKGROUND

There have been several initiatives to facilitate public, private, industry and academic collaboration to address technical challenges facing the rotorcraft industry. Despite this, tight government budget constraints and lack of emphasis on rotorcraft programs, the rotorcraft program has suffered and funding has failed to materialize. Advanced rotorcraft systems for military applications and the emerging needs for homeland security clearly demonstrate a need for advancement through investment in research and development. Unique capabilities of rotorcraft are indispensable in both national security and emergency response situations. The highly competitive commercial environment of the rotorcraft industry and its worldwide proliferation make it an ideal candidate for technical cooperation and collaboration. The intent of the Center is to provide both technical, technological and expertise of industry and academia to achieve sustainable funding for research and development.

III. TECHNICAL ADVISORY BOARD

Sec. 1: The organizations that are parties to this agreement shall provide technical oversight to the Center through a Technical Advisory Board.

Sec. 2: The Technical Advisory Board shall be comprised of representatives from each of the initial organizations who sign this agreement. Notwithstanding the foregoing, the Georgia Tech Research Corporation is a cooperative organization of the Georgia Institute of Technology (“G’IT”) and may identify a G’IT employee as a representative to the Technical Advisory Board.

Sec. 3: The Technical Advisory Board shall utilize its collective expertise in various aspects of the Rotorcraft Industry to establish and maintain a technical roadmap and to ensure that Center activities consistent with its mission. It is recognized that inputs from industry, academia, and government sources are essential to creating and maintaining a dynamic and relevant Center.

Sec. 4: Additional representatives may be added to the Technical Advisory Board subsequent to the execution of this agreement by majority consent of the initial parties to this agreement.

IV. MEETINGS

Sec. 1: The Technical Advisory Board will meet a minimum of four (4) times a year at a time and location determined by the Center Director.

Sec. 1a: The Center Director shall present over Technical Advisory Board meetings, and with the advice and consent of the Technical Advisory Board, shall set the time, place, and agenda.

Sec. 1b: Each Technical Advisory Board member may designate, by notifying the Center Director in writing, a qualified alternate to attend and participate in Board meetings in his/her absence.

V. FISCAL CONSIDERATIONS

Sec. 1: No membership fees or dues are required to be paid.

Sec. 2: The salaries and expenses of representatives of the Technical Advisory Board shall be the responsibility of their respective organizations.

Sec. 3: Any contractual relationship entered into between Technical Advisory Board members shall be solely the responsibility of those members, and the Center shall expressly have no performance or fiscal obligation.

Sec. 4: In no event shall the parties be liable to each other or any third party in privity with any party for any special, indirect, exemplary, incidental, or consequential damages arising out of or in connection with this agreement.

VI. RELATIONSHIP OF THE PARTIES

Nothing contained in this Agreement shall be deemed to constitute, create, give effect to, or otherwise recognize a joint venture, partnership, or formal entity of any kind between the parties. No party shall have the authority to bind any other party or the Center to agreements except to the extent authorized in this Agreement. Each party shall bear sole responsibility for its own actions in furtherance of the Center.

The parties agree to execute proper confidentiality agreements prior to disclosing any proprietary information. No intellectual property right or license, other than rights and licenses as are granted to any other party as a result of this Agreement.

VII. TERM OF AGREEMENT

An organization may terminate its participation in this agreement at any time by notifying ACI in writing.

This Agreement shall terminate upon the intended transfer of the administration of the Center for Rotorcraft Innovation from ACI to the American Competitiveness Institute (RITA) or another suitable third party, and/or the execution of subsequent Agreements by the parties relative to the formation of the Rotorcraft Center.

VIII. ASSIGNMENT

No party may assign or transfer this agreement, its interest, or obligations hereunder without the written consent of the parties to this agreement.

The Boeing Company Integrated Defense Systems; Bell Helicopter Textron Inc.; The Kaman Aerospace Corporation; The Pennsylvania College of Technology; Georgia Tech Research Corporation; Keystone Helicopter Corporation; Sikorsky Aircraft Corporation; American Competitiveness Institute; Rotorcraft Industry Technology Association; University of Maryland; Piasecki Aircraft Corporation; Agusta Aerospace Corporation; Bell Helicopter Textron; Fort Worth, TX—Lloyd Doggett, 26th district; Kay Granger, 12th district.
The Boeing Company: Philadelphia, PA—Robert A. Brady, 1st district, Robert A. Brady, 1st district, Chaka Fattah, 2nd district, Allyson Y. Schwartz, 13th district.
The Boeing Company: Mesa, AZ—Jeff Flake, 6th district.
Sikorsky-UTC: Stratford, CT—Christopher Shays, 4th district.
Kaman Aerospace: Bloomfield, CT—John B. Larson, 1st district.
BF Goodrich: Vergennes, VT—Bernard Sanders, 1st district.
Armour Holdings: Phoenix, AZ—Ed Pastor, 4th district, John B. Shadegg, 3rd district.
Smiths Industries: Grand Rapids, MI—Vernon Ehlers, 3rd district.
Endecov: San Juan Capistrano, CA—Ken Calvert, 4th district.
Lord Corporation: Erie, PA—Phil S. ENGLISH, 3rd district.
Georgia Tech: Atlanta, GA—John Lewis, 5th district, Cynthia McKinney, 4th district.
Penn State University, State College, PA—John E. Peterson, 5th district.
University of Illinois—Chicago: Chicago, IL—Bobby Rush, 1st district, Jesse Jackson, Jr., 3rd district, Jan Schakowsky, 9th district.
University of Maryland: College Park, MD—Steny H. Hoyer, 5th district.
University of Texas—Arlington, TX—Joe Barton, 6th district.
Arizona State University: Tempe, AZ—J.D. Hayworth, 5th district.
West Virginia University: Morgantown
—Alan B. Mollohan, 1st district.

Ohio Aerospace Institute: Cleveland, OH—
Stephanie Tubbs Jones, 11th district.

Mississippi—Charles “Chip” Pickering, Jr., 3rd district.

Syracuse University: Syracuse, NY—James T. Walsh, 25th district.

Ohio State University: Columbus, OH—Deborah Pryce, 15th district, Patrick J. Tiberi, 12th district.

RSK, LLC: Newport Beach, CA—John Campbell, 48th district.

Ms. Deborah Pryce, 15th district, Patrick J. Tiberi, 12th district.

Ms. Stephanie Tubbs Jones, 11th district.

As I see it, you are dealing with,...
reform. The Appropriation Committee supports that, but we support it for all committees, if we are going to make it complete. If it is good for one, let us do it for all.

We also have Member scrutiny and Member criteria. And this year, more than ever we are asking our local grant money. State money, matching money so that if we do appropriate something back home, the folks back home have skin in the game, not just something that the Federal Government is saying for.

I have also, Mr. Chairman, a 2½-page list of some of the programs which the Appropriations Committee has terminated. Now, Ronald Reagan said, if you don’t believe in resurrection, try killing a Federal program.

Indeed, that is the case. It is hard as the dickens to kill programs here, and yet, more is remaining on the committee on a consistent level that is eliminating spending and terminating programs.

In Agriculture, there were about eight eliminated, including the Classical Chinese Garden at $8 million. Mr. FLAKE, I am sure, would have approved that. In Foreign Operations we eliminated the Asia Pacific Partnership for $46 million. I don’t know what it did. Does anybody here?

We eliminated the Congo Debt Relief, $160 million.

In Homeland Security, we eliminated $21 million for the SURGE initiative, and a new Coast Guard headquarters for $50 million.

In conclusion, Mr. FLAKE is not the only one applying the big magnifying glass to spending. This committee is doing it, and we need to be talking more about it. I appreciate the gentleman for what he is bringing up, but he is not telling the whole story of a lot of us who have already driven on at the committee level.

CONTINUED EARMARK REFORMS FOR 2006

(1) Include all Member project funding during the House consideration of appropriations bills.

(2) Sharply limit the number of Member project requests. Curtailing the number of Member requests per Appropriations subcommittee would dramatically improve oversight and lead to a reduction of earmarks. Last year, the House Appropriations Committee received nearly 35,000 individual projects in the Labor-HHS Appropriations bill, 417 Members requested 19,272 projects, or nearly 25 projects requested per Member.

(3) Require that all project requests be submitted in writing to the Appropriations subcommittee of jurisdiction via a Member-signed request letter or form.

(4) Establish clearly defined criteria for all project requests and require Members to specify how each project meets those criteria. Member requests would also be required to be strictly germane to the spending bills in which they are contained.

(5) Increase the proportion of projects that have a dollar-matching requirement. HUD economic development initiative grants are among those that ought to be considered for a local matching requirement.

(6) Require all congressionally approved projects go through a formal Executive Branch contracting and auditing process.

(7) Require that all other committees adopt similar earmarking reforms. Earmarks are not unique to the House Appropriations Committee. The most notable earmark in recent history—the so-called “Bridge to Nowhere”—had its origin in the conference report.

FY07 MEMBER PROJECT FUNDING

FY07 Agriculture Member Project Funding: The House bill includes $435 million in Member project funding which is $35 million below last year’s House bill level of $460 million and $277 million below last year’s conference agreement of $612 million.

FY07 Defense Member Project Funding: The bill includes approximately $5 million which more than $1 billion below last year’s House bill and $2.7 billion below last year’s conference report.

FY07 Energy and Water Project Funding: The bill includes $1.04 billion in Member project funding which is 16% or $197 million below last year’s House level of $1.24 billion.

FY07 Interior Member Project Funding: The bill includes $138 million in Member project funding for 246 projects. This is an $89 million or 32% reduction compared to last year’s enacted level of $277 million in Member project funding.

FY07 Military Quality Member Project Funding: Total Member project funding in the bill is $572 million which is a 48% reduction below the last year’s House bill level of $612 million and $661 million below the enacted level of $1,376 billion.

FY07 Labor-HHS Member project funding: The bill provides approximately $1 billion for Member projects, $100 million less than previous, comparable levels and less than 1% of the total funding in the bill.

FY07 Transportation-Treasury, HUD Member Project Funding: Total Member project funding in the bill is $686 billion which is $2.1 billion below last year’s level. This is a 70 percent reduction from the previous year. In addition, for the first time ever, the bill requires a 40 percent matching requirement for grantees receiving Economic Development Initiative funding.

Science-State-Justice: The bill provides approximately $1 billion for Membyter projects, $1.3 billion less than the enacted level and less than 1 percent of the total funding in the bill.

PROGRAM TERMINATIONS

Agriculture includes 8 terminations for a savings of $41 million.

Healthy Forests Reserve: $3 million.

Invasive Species Grant: $10 million.

Wildlife Air Safety initiative: $3 million.

Classical Chinese Garden: $8 million.


Child Nutrition Program, contingency reserve fund: $300 million (new mandatory).

P.L. 490 Title I program: $64 million.

Ocean Freight Differential Grants: $12 million.

Energy and Water includes 3 terminations for a savings of $41 million.

Geothermal R&D technology: $23 million.

Natural gas R&D technologies: $20 million.

Construction of the mixed oxde Fuel Plant: $368 million.

Foreign Operations includes 4 terminations for a savings of $256 million.

Conflict Resolution Fund: $75 million.

Asia Pacific Partnership: $46 million.

Afirica Housing Facility: $5 million.

Congo Debt Relief: $160 million.

Homeland Security includes 6 terminations for a savings of $176 million.

Office of Screening Coordination and Operations: $1 million.

SURGE initiative: $21 million.

Maritime security response team shoot house: $2 million.

Fast Response Cutter: $12 million.

Cancer: $55 million.

New Coast Guard headquarters: $50 million.

Interior includes 4 terminations for a savings of $154 million.

Stateside Land and Water Grants: $30 million.

Forest Service economic action program: $3 million.

PHL rural fire program: $10 million.

Asia Pacific Partnership: $5 million.

Labor-HHS-Education includes 5 terminations for a savings of $166 million.

Reentry and Recidivism Reduction for Youthful Offenders: $50 million.

Women’s Educational Equity (FIE): $3 million.

Math Now for elementary schools: $125 million.

Math Now for middle schools: $125 million.

Science-State-Justice includes 8 terminations for a savings of $86 million.

Grants for Television Testimony: $1 million.

Forensic Science Grants: $18 million.


Cannabis Eradication: $5 million.


Microloan Technical Assistance: $13 million.

Microloan Subsidy: $1 million.

PRIME: $2 million.

Transportation-Treasury-HUD includes 6 terminations for a savings of $742 million.

Rural Housing and Economic Development: $17 million.

FPA Small Starts: $200 million.

Housing Counseling Assistance: $45 million.


Open Roads Financing Pilot Program: $100 million.

New Coast Guard Headquarters: $306 million.

Denali Commission: $7 million.

Prisoner Re-entry: $20 million.

Community College Initiative: $150 million.

Work Incentives Grants: $30 million.

Management Crosscuts: $2 million.

Working Capital funds: $7 million.

NY State U: $150 million.


HRSA—Health Care Opportunity Program (HCOP): $4 million.

HRSA—Faculty loan repayment: $1 million.

HRSA—Public health/dental training: $8 million.

HRSA—Delta Health Initiative: $25 million.


HRSA—ER 1 Administration earmark: $25 million.

CDC—Pandemic Flu base activities: $168 million.

CDC—Bulk Monovalent Vaccine Purchase: $30 million.

CDC—Mind-Body Institute: $2 million.

HRSA—Special Olympics Healthy Athletes: $6 million.

CDC—Diamond Blackfan Anemia Program: $1 million.

HRSA—Arctic health program: $0.3 million.

CDC—Hanford study: $1 million.

CDC—Pfiesteria program: $8 million.

CDC—Volcanic Emissions program: $0.1 million.

CDC—AL/S Registry: $1 million.

CMS—Health Care Fraud and Abuse Control: $118 million.
Health admin: $1 million.
ACP—Job Opportunities for Low-Income Individuals: $5 million.
ACP—Sex and other severe forms of trafficking program: $5 million.
Early Learning Fund: $36 million.
Embassy Compact: $3 million.
Alcohol Abuse Reduction: $32 million.
Dropout Prevention Programs: $5 million.
Close Up Rowhomes: $2 million.
Education Technology State Grants: $272 million.
Byrd Scholars (FIE): $10 million.
Javits Gifted and Talented Ed: $10 million.
Mental Health Integration in Schools (FIE): $5 million.
Parental Information and Resource Centers (FIE): $40 million.
Ready to Learn TV: $24 million.
Ready to Teach (FIE): $11 million.
Star Schools (FIE): $15 million.
Teacher to Teacher (FIE): $2 million.
Language Teacher Corps (FIE): $5 million.
State scholars (FIE): $8 million.
State Grants for Incarcerated Youth Offenders: $23 million.
Underground Railroad: $2 million.
Byrd Scholarship: $5 million.
Demonstration in Disabilities: $7 million.
Interest States Education Grant: $2 million.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. HINCHEY

The Clerk read as follows:

Amendment offered by Mr. Hinchey:

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 initiate military operations against Iran except in accordance with Article I, Section 8 of the Constitution of the United States.

Mr. HINCHEY. Mr. Chairman, the background is obvious and well known to all of us. The fact of the matter is we are now living in a moment which is among the most difficult and dangerous periods in the modern history of our country. It came about as a result of the administration sending our military to attack Iraq. There was no justification, certainly no adequate justification, for that attack. The rationale for doing so as it was presented to the Congress was falsified, unjustified. I think that we all see that today very clearly.

The consequences of that action are afflicting our country very decidedly. We have now lost 4,500 American servicemen and women killed, tens of thousands others very seriously wounded. The dollar cost to our country is now approximately $400 billion. By the end of this year it is anticipated to be $450 billion.

The costs to Iraq are even more severe. The loss of life in that country may be as many as 100,000 people. Circumstances of life in that country are worse than they were 3 years ago when the invasion occurred in March 2003. And we have now been engaged in an occupation of that country for more than 3 years.

The fact that we all have to face is that it is becoming increasingly apparent that this nation has no plan for ending that occupation, and so it will continue. The loss of life will continue, the loss of funds will continue, and the deterioration of our reputation in the world will continue to decline.

This Congress has been derelict in its duty. We have not examined the administration in its activities related to the attack on Iraq, the falsified way in which it presented the rationale to this Congress, the way in which it failed to adhere to the recommendations of the military with regard to actions taken prior to the attack and subsequent to it, right up to the present moment.

So now we are faced with another potential problem that would magnify the one that we currently confront, and that is we have come to understand that there have been serious considerations within this administration to engage in a military attack on Iran. The rationale for that attack as it has been put to us is that Iran is engaged in a nuclear weapons development program. Of course, that was part of the falsified rationale that was presented for the attack on Iraq.

We also know, of course, that the President of the Union Address here, the address that attempted to justify by presenting false information to the Congress, attempted to justify the attack on Iraq, associated Iraq with the phrase ‘axis of evil’ with two other countries, North Korea and Iran.

We now learn that there are discussions within the administration for a potential attack on Iran. And in the context of those discussions, it has also been suggested that the administration is considering an attack based upon the vote that was taken here to authorize the attack on Iraq based upon falsified, misleading information, information that was presented to us intentionally falsified and misleading.

So the purpose of this amendment is to make sure that none of the funding in this defense appropriations bill is used to engage in any military operation against Iran without a full vote of the Congress of the United States in accordance with the Constitution of the United States.

It is a very simple, very straightforward amendment, and I hope that this Congress will live up to its obligations and this House of Representatives in accordance with its responsibilities will pass the amendment.

While our Chamber is on track to complete another lightning round of spending bills during this appropriations cycle, we have abdicated our oversight responsibilities across the board in the process. We are fitting blank checks for bankrupt foreign policies without having sufficiently robust debate on the administration’s actions abroad.

Our invasion of Iraq in 2003 was a terrible mistake resulting in an inextricable quagmire. And regardless of what our friends across the aisle claimed during our waste of a discussion last week, we are still not on the road to success in that country.

Now other legitimate hot spots in the world, such as Iran, are heating up, we are a passive audience sitting on the sidelines as the Bush administration uses its damaged credibility and poorly-conceived diplomacy to try to head off a nuclear crisis within the most volatile area of the world.

This should be an active participant in the formulation of our foreign policy.

The Bush administration must be held accountable by Congress for its failings on the world stage. In addition, the administration must work with Congress before it stretches our already-depleted defense capabilities to the breaking point in another ill-conceived engagement.

And while the administration’s recent efforts to engage with the European community in diplomacy on this issue are a welcome change, internationaldealings have not proven to be trustworthy—another cause of our diminished credibility abroad.

This administration is tone-deaf when it comes to understanding the diverse religious beliefs and cultural principles of countries in the Middle East. It does not sufficiently support the troops that are already engaged abroad, and it does not understand the damage that this engagement has done to our armed services. We must rectify these problems, and Congress must be an active participant.

Iran presents our Chamber with the opportunity to right past wrongs, and to assume the responsibility for oversight and management that we tragically abandoned in the months leading up to our invasion of Iraq.

Mr. YOUNG of Florida, Mr. Chairman, I rise in opposition to the amendment.

I read the amendment about Iran, but I heard the debate about Iraq. The gentleman’s debate made it appear that we just indiscriminately decided to attack Iraq.

I would remind the gentleman that there were not only United Nations resolutions dealing with the issue of Iraq, but there was also an overwhelming vote in the House and in the Senate to authorize the President to take whatever military action was necessary.

He talked about Iraq, and so I want to talk about Iran. I want to talk about October 25, 1989, when Khobar Towers in Saudi Arabia. We were not in Iraq, nowhere near Iraq. Khobar Towers was bombed, and 19 of our airmen who were living there lost their lives.

In August of 1998, our embassies in Kenya and Tanzania were bombed with a loss of life, including Americans. And by the way, we were not in Iraq or Afghanistan for that matter.

October 12, 2000, the USS Cole offshore of Yemen was bombed by terrorists, and 17 sailors lost their lives, and many others were seriously injured.

And then there was September 11, and I don’t have to explain what happened there because everyone knows...
what happened there. It was the Pearl Harbor of this century.

So what does that have to do with Iraq? Information continues to be uncovered where Saddam Hussein, who was the dictator of Iraq until we removed him, Saddam Hussein had contacts with the terrorists of different stripes, not only al Qaeda, but other terrorists. And that’s why, and Congress reacted to that, and Congress approved the President making whatever military move he thought was necessary to address the issue of the gentleman’s debate on the Iran amendment relative to his comment about Iraq.

The vote on the Iraq resolution was 296–133. That is a pretty sizable majority.

I have a copy of the Constitution. Section 8 of Article I is a very long article, a very long section, and I am not sure which provision in here that the gentleman’s amendment is talking about unless it gets down to the part of section 8 that says to declare war. I assume that is what he is talking about.

To declare war in today’s world, previous wars you had a little time. Even after Pearl Harbor, we had time to recover unless it gets down to the part of today’s world you don’t have that. So I would think you would want to be very, very careful about tying the hands of this Congress in authorizing whatever was needed to defend and support the United States and the security of the American people.

I do not want another September 11 on my hands. I don’t want something else to happen that is going to kill innocent Americans, and then have people come to see and say, why didn’t you do something about it? Why weren’t you prepared for it? Why did you have to wait and go through all of the political charades?

I don’t think that the American people would have been very happy with this Congress if we didn’t take every step necessary to prevent another aircraft hijacking and flying into the World Trade Center or something similar, or hijacking an airplane that landed in Pennsylvania or at the Pentagon. I think we better think very carefully before we, on an appropriations bill, make a major decision like this.

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

Just to remember, Khobar Towers, of course, was perpetrated by Saudi Arabians. The Cole and the embassies were attacked by al Qaeda, which was based in Afghanistan, led by Osama bin Laden, who is still at large and still based in Afghanistan or Pakistan. But I am not going to revisit the debate of last week about Iraq.

What we are going to talk about here is the Constitution and the authority of the United States Congress. There seems to be a new-found respect for that among the Republican leadership, and I appreciate that.

Recently Speaker HASTERT said: “We need to protect the division of powers in the Constitution of the United States. We want to make sure that we protect the Constitution.”

Majority Mr. Leader BOEHNER said: “Every 2 years I stand in the well of the House and raise my right hand and swear to uphold and defend the Constitution.”

So there is a new-found and growing respect on that side of the aisle for the Constitution. Unfortunately, all of that umbrage was about a search with a warrant of a Member’s office, a Member of Congress who had $90,000 cold cash in his freezer.

Now I don’t agree with their concerns and don’t feel that it is an abrogation of the Constitution, but I do feel that ceding our war powers is.

In the case of Iraq, the United States Congress, I believe, unconstitutionally ceded its authority. We didn’t declare war, we just said the President should do whatever he wanted, whenever he wanted, however he wanted. And it hasn’t worked. There has been no declaration of war.

Article I, section 8, is quite specific about the authorities reserved for the Congress. They were worried, the Founders were worried, about the want of kings to engage in foreign adventures. They were worried about the power to retain the king and retain the authority to raise the armies, fund the armies, and declare war to the Congress.

They are very clear in Article II, section 2, which says, “The President shall be the Commander in Chief of the Army and Navy of the United States of America, with a nuclear weapon on it, the President would have authority to repel a sudden attack. But if they are contemplating a preemptive or preventative or whatever they want to call it war, so similar to the one launched under false pretenses in Iraq, then they should come and make the case to the people’s House, the United States House of Representatives, and to the Senate and get the legal authority in order to conduct those actions.

So I would urge our colleagues to stand up for our constitutional rights here in the United States House of Representatives. I know it is a lot easier to have plausible deniability sometimes and give the President a broad grant of authority; and if in the end it is skewed, then you can say, they really didn’t exactly tell us the right stuff when they launched that war. It would be better for us to be very clear about the delineation of these authorities, and the House should approve this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY). The question was taken; and the Chairman announced that the nay appeared to have it.

Mr. HINCHEY. 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 New York will be postposed.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. Flake:

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 the Illinois Technology Transition Center.

Mr. FLAKE. Mr. Chairman, my amendment would prohibit funds in this bill from being used for the Illinois Technology Transition Center, which receives $2.5 million in this legislation. The Illinois Technology Transition Center’s objective is to stimulate enterprise growth by helping technology companies realize their commercial potential. The center offers entrepreneurial services, technology transition support, and commercialization support.

Again, this is a defense bill, yet we are offering this funding.

I support the technology center. I encourage growth in it. I think all of us do. It is a great source of entrepreneur and innovation.

The United States has the largest and most technologically powerful Cong Record 6/20/06  H4301
economy in the world. Technological progress is responsible for one-half of the growth of the U.S. economy.

Competition is a driving force in this innovation. We all know that free markets flourish when there is less government involvement. I am all for seeing the technology sector in Illinois grow, just as I do hope that it grows in Arizona or any other State.

However, in this defense bill the American taxpayers are being asked to pay for support services for the private sector. I don’t think that that is appropriate in a defense bill.

Our troops are fighting insurgents in Iraq and Afghanistan. We ought to be spending money in the defense bill on equipment, on helmets, on body armor, on other things, rather than subsidizing the technological center in one particular State.

I should note I believe the Illinois Technology Transition Center was established by a contract with the Department of the Navy, the Office of Naval Research, in 2005. But it is also my understanding that the Office of Naval Research did not request this earmark in the $2.5 million in funding.

With that, I request support for the amendment.

Mr. LAHOOD. Mr. Chairman, I ask to have the opportunity to speak against the amendment. I wonder if the gentleman would take a question.

Mr. FLAKE. You bet.

Mr. LAHOOD. Do you know who earmarked this money?

Mr. FLAKE. I was told by a reporter this morning who it might be. That was the first time I learned it after I had already agreed to offer it.

Mr. LAHOOD. And the answer to my question is?

Mr. FLAKE. I was told that it was the Speaker who offered it.

Mr. LAHOOD. And so when you were told did you think that maybe you might look into the earmark to see if it had merit and to see if it was a set-aside that might merit further consideration?

Mr. FLAKE. Well, seeing that I had already agreed to offer it, I thought that had I agreed to pull back now, I would be looked to favoring one particular powerful Member of my party.

Mr. LAHOOD. The Illinois Technology Transition Center is a public-private collaboration between academia, industry, and government. It collaborates with the Department of Defense, and it has identified innovative technology applications that meet DOD mission requirements and strives to take that technology from the laboratory to use by DOD within 12 to 18 months.

This is an extraordinary opportunity for the public and the private to come together. The lion’s share of the money that funds this is private dollars. It is not Federal dollars. It comes from people who have businesses and people who want to invest in smart people and smart ideas. And the answer to your question about Iraq is that one of the technologies that is being developed is being developed in my hometown of Peoria by a company called Firefly. And they are developing a revolutionary battery that will have the opportunity to withstand heat and not become the kind of traditional batteries that are currently used.

Now, this would not have been able to come about if it hadn’t been the collaboration of a private business and the Federal Government coming together in a collaboration.

So are some of the technologies that are being developed in this center being used in Iraq? The answer is yes, they are.

So the point is that there are many innovative approaches that are being taken here. And this kind of collaboration really takes the smart ideas that people in the private sector are using and trying to develop them with the public sector. And some revolutionary things have really come about. And I could name at least six or eight of them, but this is an opportunity for the private sector to take the lion’s share of the money and collaborate with the public sector.

Many of these innovative approaches are being requested by the Defense Department. Try them out, test them out, see if they work, and then send them out to the private sector to be funded, or some of these could not come about without this center. They would not come about without this center.

So I wish the gentleman would have looked into this a little bit further, and I wish he would appreciate the idea that what is being developed here could not be developed without the opportunity for the public and private sector to work together.

This is an appropriate appropriation for the defense bill. That is why it is not in any other bill. And it is appropriate, because many of the things that are being tested, many of the innovative approaches will be used by the Defense Department.

Now, I don’t know if the Department of the Navy requested this or not. I don’t know the answer to that. But I know that some of the innovative approaches have been requested.

The company that I mentioned, Firefly, is a company that works with the Defense Department on a regular basis. And they did ask for Firefly to help them develop this. Eventually Firefly will be spending all of the money, and hopefully, what will happen is that once the battery is in full development, it will create jobs in central Illinois, in my district.

And when people say to me, Congressmen, what are you going to do about the erosion of the industrial base? Is it to think outside the box? It is to take smart people to get them to think outside the box to create opportunities that eventually will create jobs that no one ever thought could exist in central Illinois because in my district people worked at Caterpillar for years and worked in other industries for years. This is the kind of thing that creates opportunities and jobs and could not come about without a collaboration between the Defense Department and this company that exists in my district.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. LAHOOD) has expired.

(By unanimous consent, Mr. LAHOOD was allowed to proceed for 2 additional minutes.)

Mr. LAHOOD. This kind of collaboration could not come about, and these jobs, very few at this point, but an opportunity for expansion.

And the truth is, the reason that the Speaker asked for this kind of set-aside is because it helps all of us in Illinois. It creates not only opportunities in central Illinois but all over the State, and it does give hope and opportunity to people that there going to be innovative approaches and people can think outside the box and they can collaborate.

I yield to the gentleman if he has a question; or if he would like to withdraw the amendment, I would certainly entertain that.

Mr. FLAKE. I would not like to withdraw the amendment. I would simply say, and I thank the gentleman for yielding, this is the private sector. I would submit that I would submit that the private sector is thriving in Phoenix and in St. Louis and in a number of cities and centers around the country are facing difficulties and are having drawdowns, or technology is shifting. The world economy is shifting.

But we can’t simply at any time like this say, all right, we are going to give an earmark to that industry or to that region. If we do that, there is simply not enough money in the Federal budget. There is not enough money in the Federal budget to do what we are doing. We are in a deficit.

Mr. LAHOOD. I agree with that, Mr. FLAKE. And that is the reason that this opportunity exists.

It is not a significant amount of money. When you look at the overall defense budget, this is an insignificant amount of money in terms of what it does in terms of the expansion of jobs, the expansion of ideas, the expansion of technology, and it does create hope and it does create opportunity for people who want to do business with the Federal Government and have opportunities for creating new opportunities for people.

And listen to me, this is a no-brainer. And I hope that we can get the House, when we come back in to vote on this amendment, to vote down this amendment. This is a very, very good technology center and it has created lots of opportunities for many, many people. And I urge the House to vote against the Flack amendment.

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

The amendment was rejected.
Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. HINCHEY

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

The Clerk read as follows:

Amendment offered by Mr. HINCHEY: At the end of the bill (before the short title), insert the following:

TABLE X—ADDITIONAL GENERAL PROVISIONS

Sec. 10001. None of the funds made available in this Act may be used for any contract with the communications and public relations firm known as the Lincoln Group.

Mr. HINCHEY. Mr. Chairman, late last year a number of American news agencies blew the cover off a covert propaganda operation pursued by the Department of Defense in Iraq. Through this operation, members of our Armed Forces write articles and have them planted in Iraqi newspapers. This operation is not done with private contractors to do that as well.

DOD works with a contractor, the Lincoln Group, which actually pays off Iraqi journalists and publications to get these stories planted in Iraqi newspapers and other media.

According to a November 30 Los Angeles Times report, many of the articles are presented in the Iraqi press as unbiased news accounts written and reported by independent journalists. The stories trumpet the work of U.S. and Iraqi troops, denounce insurgents, and tout U.S.-led efforts to rebuild the country.

By December 2005, the Lincoln Group had paid to plant upwards of 1,000 of these articles in the Iraqi and Arab media. I was shocked by this revelation, which is completely antithetical to what we should really be doing in Iraq. In fact, it is completely antithetical to what other U.S. agencies are doing in Iraq.

With one hand we are trying to develop a free, fair and independent news media in that country. But with the other hand, we are creating that media and breeding distrust among Iraqis of their democratic institutions and our efforts at reconstruction. That distrust is a direct threat to our troops in Iraq and a direct impediment to efforts to end our presence in Iraq.

This revelation shocked a lot of people across our country. Both Defense Secretary Rumsfeld and President Bush were reported as being concerned about the effort. In fact, National Security Advisor Steven Hadley predicted that the program would soon end.

A USA Today-CNN Gallup poll taken immediately after the program was exposed showed that nearly 75 percent of Americans thought it was wrong for the Pentagon to pay Iraqi newspapers for made-up articles.

In early March, General Casey announced that an internal review conducted by DOD had concluded that its own activities were legitimate and would continue.

Mr. Chairman, these efforts need reconsideration and careful scrutiny.

With the Internet and the round-the-clock news reporting, as well as the unfortu-
easily be picked up by American news organizations. Yet U.S. law has banned the Pentagon from propagandizing activities in the United States since the mid-1970s. The Lincoln Group’s work could be in violation of this law.

Now, this is a question of tens of millions of dollars of misspent. It is also a question of official deception, of a real effort to try to fool the American people, to try to fool the people of Iraq, to try to fool the foreign press.

Our soldiers know what is going on in Iraq. They know when they read these stories or the stories come to them of a totally different situation than what they are living with. They know it is a lie.

We should make our decisions in this Congress based on the truth, not on fiction written by individuals who never have to deal with the real reality. Think of how unconscionable this is. They reveal a garden in the Iraqi media while our soldiers are in a desert of hell, and they keep them from understanding that.

That is why the Hinchey-Kucinich amendment is important. That is why we must prohibit funds in this bill from going to the Lincoln Group.

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

Mr. Chairman, this is not a good amendment at all. Earlier in the debate earlier in the day, I said we should not be tying our hands behind our back with a specific amendment. This amendment would clip part of our arsenal against the enemy.

If you do not like the Lincoln Group, I do not care about that because I have no idea who they are. And maybe they are amateurish, as my friend from Ohio suggested. If that is the case, maybe we ought to fire the Lincoln Group. But let us not stop the ability of the United States and our story to be told to the Arab world.

You have a hard time turning on television and news stories around here that you do not see some of the propaganda from al Jazeera put out by Zarqawi, the former Zarqawi, and his cohorts. Those messages get spread all over the world.

In war, psychological war is very important. Is anybody here old enough to remember Tokyo Rose? Mr. HASTINGS says he is, and so am I. Tokyo Rose, who broadcast radio propaganda to our troops, trying to demoralize them every day of the war. Well, are you going to just ignore that kind of warfare, or are you going to fight back?

We have a story to tell. Mr. KUCINICH talked about the soldiers. Let me tell you something. I have seen and talked with a lot of wounded soldiers and marines in our hospitals right out here north of the city, and many of them complain, Why isn’t our story getting told? They do not believe that our story is getting told. They hear the trash that comes out of al Jazeera and spreads out to all of the Arab worlds and finds its way back here to America, as the gentleman conceded. Are we just going to sit back and take those blows, just sit back and let the enemy throw all of the lies and all of the trash that they want to at us without fighting back? Not me. Not me.

Do not take away one of the tools in our arsenal and I hope that it fights back on a psychological way, because fighting for the minds of the people involved are a big part of our issue.

If you want to fire the Lincoln Group, do it. If this amendment should pass and I hope that it does not, and the Lincoln Group doesn’t get funded, what is to say that they do not hire some other firm to do the same thing? Specifying a particular company is not what we do in appropriations bills. We do not specify companies for contracts or projects. We just do not do that. If you want to fire the Lincoln Group, put in an amendment that says fire the Lincoln Group, but do not take away one of the tools in our arsenal of fighting the battle that we have to fight.

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

As I noted earlier today, Mr. Chairman, HUNTER HUNTER, who is chairman of the Armed Services Committee, is here today due to an important personal reason and he asked me to state his opposition to this amendment.

The issue of authorization and funding for public affairs and information operations in Iraq has been monitored and discussed by the Armed Services Committee to some length. Information operations are vital, as our good chairman from Florida just pointed out. In Iraq the United States faces a determined enemy that attempts to manipulate the media, often with the purpose of further endangering U.S. forces. Chairman HUNTER, in fact, has pledged to hold hearings on this matter.

But let me just point out, as Chairman YOUNG just so eloquently stated, information dissemination on the battlefield and in the countries that are affected in a direct way by warfare such as Iraq is extremely important. Earlier today we had that in mind when Chairman HUNTER led us in opposition to an amendment proposed by another Member because of the message it sent. Messages in Iraq and other countries torn by war are extremely important. As a matter of fact, we devote a great deal of time and effort, and money to train members of our military forces in operations called psychological operations. As a matter of fact, we used them extensively during the invasion of Iraq, not through the contractor that is in question here, but through our military personnel who are trained to do just that. The use of broadcast has traditionally been an important part of information operations as well.

So Chairman HUNTER and the rest of us on the Armed Services Committee and the Defense Appropriations Committee have paid a lot of attention to this matter for many reasons. I am sure the committee will continue to do so if necessary. And Deputy Secretary of Defense Gordon England has informed us on the Armed Services Committee that he is reviewing this matter very closely. In the meantime, General Casey in Iraq and the Department of Defense inspector general are both investigating the use of funds by the Lincoln Group and by the Rendon Group. The results of the Casey investigation are expected to be released in the near future.

I could only say on behalf of Chairman HUNTER that the Armed Services Committee will continue to monitor closely and will take appropriate action as needed.

I urge a ‘‘no’’ vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY). The question was taken; and the Chairman announced that the noes appear to have it.

Mr. HINCHEY. 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 New York will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE: 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 the Northwest Manufacturing Initiative.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit funds in the bill from being used for the Northwest Manufacturing Initiative, which receives $2.5 million in this defense bill.

What is the Northwest Manufacturing Initiative? Where is the money going? To the northwest of what? Of the United States? Of Arizona? Of Washington, DC?

There is no description of this project in the committee report. It strikes me again, why can’t Members get more information on these projects before-hand? We made calls to the Department of Defense, which funds this earmark. They knew nothing. They didn’t get back to us with anything. Calls were unanswered. We asked the Appropriations Committee as well, and we couldn’t get anything from the Appropriations Committee before we filed the amendment to be offered here. It was only after the amendment was filed that those who are sponsoring the earmark called to tell us what the amendment is about.

It is the Northwest portion of the United States, I come to understand, and it is a manufacturing initiative, but we don’t know much else about it.
A few of the Members have been kind enough to share with me today what they are seeking to do. My understanding is that businesses in the Northwest, particularly those that contract with the United States Government, the Department of Defense, and others, are having difficulty, as they are in many parts of the country.

My question is, why in the defense bill are we offering help to manufacturing companies in the Northwest? What about the Southeast or the Southwest? Why about companies in Arizona or California or Colorado? Why don’t they get similar treatment? How does the Federal Government decide, all right, we are going to help manufacturing companies there, but not here? Again, we are picking winners and losers here. It is not the job and should not be the job of the Federal Government.

I appreciate the fact there are Members here willing to defend this amendment and Mr. BLUMENAUER is here to do so and others, and I appreciate that. In this way we can actually have a dialogue.

Again, sometimes this is the only oversight, the only explanation. This is it. This is the only oversight on some of the earmarks. I feel it is important when we are spending taxpayer dollars, particularly $2.5 million in the defense bill, that it is important to know what it is going for. So I am glad the authors of the amendment are here, and I look forward to the explanation.

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

Mr. Chairman, I welcome the gentleman’s opportunity to engage in what, in fact, the proposal is about, because there was a rather detailed proposal that was extended to the Defense Appropriations Subcommittee. It is co-sponsored by the entire House delegation, 10 Northwest Representatives and 10 senators. The effort is dealing with the need to be able to have a bistable program to help support a strong defense industrial base.

It contributes directly to our national defense. We have outlined how it helps in terms of providing research and development on the reliability, cost-effectiveness and environmental performance of products designed specifically for the defense marketplace. It increases the ability to deal with workforce, to provide these products, to expand the realm of high-performance manufacturing techniques, and create more efficient and competitive companies in the defense sector, and to build the capacity of small and medium-sized companies to participate in this marketplace.

This is precisely the sort of thing that I think we would want to have to help the defense opportunities, not just in the Pacific Northwest, but to be able to scale it and take it in other parts of the country. I could go on at great length. I will not, because I have been admonished that time is short and because others from the Northwest who are part of this are here.

But let me just say that I have been struck by, and one of the reasons I have been working on this for some time is the ability of small companies, that I work with, to make a difference, and that we have great difficulty in terms of scaling and being able to help them perform in this arena.

In my district we have Danner Boots, which are one of the companies that are dealing with technology that others are going to speak to that I won’t go into that are all a part of this consortium.

Last but not least, the notion here is having skin in the game. Well, this is matched by a 50 percent match by local sources. It is a public-private partnership where we are not looking for something that has dropped out of the sky, but is matched by the Federal Government. I think anybody who reviews this proposal will find that it is cost-effective, that it is important for the Defense Department, that it builds on proven technologies and opportunities and that companies that need to be filled, and will have application not just for the Department of Defense, but for others that work to serve it.

So, in the interest of time, I will conclude on that point and invite anybody to look at this proposal that has been offered by my colleagues from the Northwest. I think they will be satisfied that there will be full value offered, and it is worthy of support.

Ms. HOOLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Arizona to strike the funding for the Northwest Manufacturing Initiative. The Northwest Manufacturing Initiative encompasses Oregon and southwest Washington. The initiative is organized as a regional coalition, and its purpose is that the Northwest region’s diverse manufacturing sector be a stronger contributor to the Nation’s defense and national security.

The initiative seeks to provide to the Defense Department a coordinated, regional resource for assessing products and services being offered by the private sector that meets our Nation’s future defense needs. A key goal of the initiative is to increase the contribution of the Northwest coast to the Nation’s industrial preparedness and secure the nation’s defense by assisting small and medium-sized manufacturers to become providers of products to defense contractors.

My colleague talked about HemCon; he talked about another company, Danner Boots. I could name several companies. There is another company, Hydration, which allows you with a membrane to fill water into this CamelBak and give you clean drinking water from the filthiest water you can find. Those are the kinds of companies. These are small, innovative companies. This is where we get our innovation.

The Oregon Manufacturing Initiative is a key component of the Oregon business community and economic plans in communities across Oregon and southwest Washington. Local, regional and State funding has been used to plan and develop the initiative.

As manufacturing has declined in many parts of the Nation, it has become more urgent that small to medium-sized companies are mobilized to provide the necessary goods demanded by a modern military and the Nation’s security. Through the Northwest Manufacturing Initiative, the Defense Department will have a one-stop resource when it needs information on what companies are providing to meet defense needs or when it seeks critical manufacturing research and development.

The Northwest Manufacturing Initiative is a regional model designed to create efficiencies and cost savings. While I appreciate the intentions of the gentleman from Arizona, I must urge my colleagues to oppose this amendment and ask they support this worthwhile project.

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

Mr. Chairman, I appreciate the intent of the gentleman from Arizona, but I rise to join my colleagues in explaining why this is so important.

We have talked about boots, we have talked about hydrated water from the world; laser sights, laser devices that can help protect aviation or even possibly one day shoot down missiles; adhesives, armor, to up-armor Humvees in 4 hours to save our soldiers’ lives.

The gentleman from Arizona said we don’t pick winners and losers. In fact, we do. If you vote against this provision and for your amendment, you will pick our soldiers as losers. This is about providing resources to help small businesses and medium-sized businesses get state-of-the-art equipment to our soldiers.

I don’t know if you have had the occasion to meet with a mid-sized growing business that makes this kind of equipment, but talking to them and the challenges they face in working with defense procurement proposals, defense procurement procedures and other needs are very difficult challenges. I think it is entirely appropriate that the Northwest has a role in this, along with the match that was described earlier, because this is a program that could well be a model for the
country, that will produce more effective business results and better products for our soldiers.

One final statement I would just make: We talk in this body a lot about dynamic scoring of tax cuts. There is also dynamic scoring of exports. I would submit to the gentleman from Arizona and to all my colleagues that for a small amount of money, we are going to stimulate manufacturing of state-of-the-art devices and equipment that will save our soldiers’ lives and save this government money over the long run.

This is a good proposal, an innovative proposal, and good products that will save the lives of our soldiers will result from it. I urge a ‘no’ vote on this amendment.

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

Mr. Chairman, again, this is about public-private partnerships. It is about cost-effective and innovative production. The large defense manufacturers are not exactly known as paragons of innovation or cost-effectiveness, so diversifying in the small and midsized businesses in the Pacific Northwest is a great investment for the Federal taxpayers, and we are providing vital products to our troops. Hydration technology was already mentioned, based in my district. Body armor is produced in my district. We have a stealth boat manufacturer, missile silos up in DARLENE’S district. These are all members of the coalition. Vision goggles, critical to our troops.

So I urge cost-effective, innovative, and effective equipment for our troops, you will oppose this amendment and support the initiative.

Mr. WU. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Arizona. It is about public-private partnerships. We are looking to see every dollar go into Defense, and not see a dollar go into a ‘no’ vote on this amendment.

Ms. NORTON. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Arizona. It is about public-private partnerships. We are looking to see every dollar go into Defense, and not see a dollar go into a ‘no’ vote on this amendment.

Mr. MURTHA. Mr. Chairman, if the amendment concerns the Walter Reed Army Medical Hospital, then I would support it. If it is a defense angle for this amendment, I would not support it. Again, it seems as if we are debating the Labor-HHS bill at this point or some other education bill and not the defense bill. These may well be worthy programs, but should we be funding them with defense dollars?

I would like to see justification for the Federal defense function in this case. Again, why are we doing this in the defense bill? These are clearly educational functions. Why should we be funding them with defense dollars?

I believe that his comments are on the record and I would like to resubmit them in case they are not.
Mr. LEWIS of California. Mr. Chairman, I welcome the opportunity to inform my colleagues on the excellent programs put together by the Center for Education Research in Apple Valley, California.

First, it is important to remember that the 21st Century needs of our nation's defense is much more than weapons programs and soldiers in barracks. Tens of thousands of our dedicated men and women in uniform have made a lifelong career of defending their nation. They now have families, and it has become our responsibility to provide for those families as they are part of our nation to meet the needs of our military.

Many schools that serve the children of military families have developed high standards of excellence. But not all schools in all places have met these standards in the past. As the DoD worked to translate these high standards to other schools, the Center for Education Research came forward with a proposed discipline for science nearly a decade ago.

The heart of this program is the Goldstone-Apple Valley Radio Telescope curriculum, which 10,000 students around the world take part in NASA research projects by way of the Internet. This program now reaches students and teachers in 27 states, 14 countries and three territories.

I want to emphasize that the support of these students is valued and sought out by NASA researchers. In fact, the students' efforts have in many cases saved millions of dollars for Federal science programs by freeing top researchers from process work and allowing them to do more analysis.

The Center for Excellence was asked last year to create a comprehensive Internet-based science curriculum and train 500 teachers by the Department of Defense Education Activity program, which is the primary agency helping our DoD schools achieve high levels of excellence. The Stars and Stripes newspaper, and even DoDEA itself, have featured this program in stories that highlight what we are trying to do for our military families.

In conclusion, Mr. Chairman, I once again want to point out that not all good ideas come through the bureaucracies that oversee spending for our federal government. Often those bureaucracies hold back ideas that could quickly and dramatically advance the quality of services we provide to our constituents—and in this case—the families of those who defend us.

When this happens, these programs need an advocate who can get the agency to engage, and see the value of these ideas. I am proud to be an advocate for a program that continues to help tens of thousands of kids whose parents devote their lives to protecting our nation.

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

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

Mr. FLAKE. 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 Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE: 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 the Advance Law Enforcement Rapid Response Training Program (ALERRT).

Mr. FLAKE. Mr. Chairman, this amendment prevents funding from going to the Advanced Law Enforcement Rapid Response Training Program, or ALERRT program, at Texas State University in San Marcos, Texas.

The ALERRT program, as it is called, provides training for first responders and police officer. It would appear that this is not the first earmark appropriated to Texas State University for the ALERRT program. Evidently, the program has received $500,000 in the past; now it needs another $1 million.

I am all for the training of our police officers, although it is primarily a function of State and local governments. However, I understand the Federal Department of Homeland Security grants go toward law enforcement agencies. In the defense appropriations bill why is this a vehicle for funding for law enforcement training? Are we not adequately training our military troops at our Defense Department facilities? Do we now need to send them to this law enforcement training center? If this is the case, I would submit that we ought to hold some hearings on the subject. I should note that the President did not request this money.

I would submit that it is time for Congress to be a little more attentive to how we are spending and earmarking valuable defense dollars. Again, we have other appropriations bills and homeland security certainly comes up here. This is a function of training local police officers or others for a local police function. We have scarce defense dollars, and we shouldn't be spending them in this way. I hope that we will vote for this amendment and keep the funding for defense in defense.

Mr. YOUNG of Florida. Mr. Chairman, I am opposed to the amendment.

The type of warfare that we are involved in is different than army-against-army or squad-against-squad and actually is an urban type of warfare street-by-street, and seeking out individuals who may be in hiding. Law enforcement does this extremely well. The FBI or the local police or these folks, they do a really good job at this because that is what they do, seek out criminals. It is probably a pretty good idea that we give our military troops some training from experts who really know something about how to do this street-by-street, point by point, who are in hiding. So I think it does have a military application and I am opposed to the amendment.

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

The amendment was rejected.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word. I do not have a clarification on this amendment. I should have added in it besides we were pleased to accept her amendment, and the committee looks forward to working with her and the Armed Services Committee towards its objective.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Let me say that I started out this debate when I raised the question regarding the compensation of our soldiers with my appreciation for both Mr. MURTHA and Mr. YOUNG. I continue that appreciation because this is a very difficult challenge to appropriate funds for a myriad of issues on the Defense Department. I included, in particular, DoDEA itself, provides training for first responders, police officers, and local police officers. We have other appropriations bills, and homeland security certainly comes up here. This is a function of training local police officers or others for a local police function. We have scarce defense dollars, and we shouldn't be spending them in this way. I hope that we will vote for this amendment and keep the funding for defense in defense.

Mr. YOUNG of Florida. Mr. Chairman, I am opposed to the amendment.

The type of warfare that we are involved in is different than army-against-army or squad-against-squad and actually is an urban type of warfare street-by-street, and seeking out individuals who may be in hiding. Law enforcement does this extremely well. The FBI or the local police or these folks, they do a really good job at this because that is what they do, seek out criminals. It is probably a pretty good idea that we give our military troops some training from experts who really know something about how to do this street-by-street, point by point, who are in hiding. So I think it does have a military application and I am opposed to the amendment.
As I mentioned, I am forever reminded of that fateful day that President Reagan went on behalf of a grateful Nation to Dover Air Force Base to welcome the marines who had fallen and who had been killed in Lebanon.

I firmly believe that President Jimmy Carter attended arrival ceremonies held at Dover Air Force Base in Delaware when the brave Americans who lost their lives in the Iran hostage rescue attempt were returned home.

Similarly, the first President George H.W. Bush, the 41st President, participated in the arrival ceremony held for the soldiers killed in Panama and Lebanon. To most Americans welcoming home, it is a fitting ceremony that the men and women who willingly risked all and sadly gave all that they had for this country, it is a simple statement of justice. And so I had hoped to be able to offer an amendment to be able to give guidance to the Defense Department on the families of the fallen and the families of the United States military using the degree of sensitivity that I think would be appropriate, keeping in place the media issue that we would be concerned about, that as we move this bill that we will have the opportunity to be able to address this question.

Before I yield to the gentleman, might I just cite, and I will yield to the distinguished gentleman from Pennsylvania quickly, that it was Abraham Lincoln who said the loss is doubly great to the families of the fallen for they have laid so costly a sacrifice on the altar of freedom. I am hoping that we will have the opportunity to have these arrival ceremonies.

Ms. JACKSON-LEE of Texas. Mr. Chairman, before I explain my amendment, let me express my deep appreciation and gratitude to Chairman Young and Ranking Member Murtha for their hard work on this bill and for all the good work they have performed for so long on behalf of the Nation’s soldiers, sailors, marines, air forces, and all who work to keep our Nation safe and free.

Mr. Chairman, my amendment is simple and easy to understand. The amendment simply defunds that part of the Department of Defense policy that bars arrival ceremonies for deceased military personnel returning to Dover Air Force Base. My amendment does not—I repeat does not—lift the Defense Department ban on media coverage of arrival ceremonies or of a departure from Ramstein AB or Dover Air Force Base or the acceptance of a shipment of remains to the Nation, that when our soldiers fall in battle or when they lose their lives as members of the United States military, there is a blanket order, an across-the-board policy, affirmed by the administration in March 2003, not to pay honor and tribute to the fallen when they return.

Mr. Chairman, I am not speaking of disrespecting family members who desire no such formal ceremonies. What I am suggesting is it should be an option and that there should be a blanket barrier that would, in fact, stop the honoring of these soldiers. I remind you of the words of Abe Lincoln, who said the loss is doubly great to the families of the fallen. For they have laid “so costly a sacrifice on the altar of freedom.” We owe them the respect of his honor, and a grateful Nation should be permitted to show its gratitude. But with this blanket order that suggests that there can be no arrival ceremony, I believe we denigrate, we deny the opportunity for honor.

My colleagues will say that there are individual ceremonies and funerals and memorials. And they may be right. But I ask you as Americans and colleagues, how many times have we been able to mourn as a Nation the soldiers who are in the war on terror, fighting in places around the world? In these recent years, we have seen none. We have not honored any publicly.

Yes, in just 2 weeks from now will be Independence Day, but yet we are denied the right to be able to show our gratitude. My amendment is intended to be an orphan as President Lincoln enjoined us to do. I believe many of them will find comfort in their hour of loss by the certain knowledge that a grateful Nation remembers. My amendment is on behalf of Americans.

Mr. Chairman, let me simply say that in reading this language, I struggled with the reason and the premise. Why can’t we join together as patriots, respecting and recognizing the young lives that have been sacrificed, by the Reservists, the National Guard and all the service branches on behalf of the Nation? Why would we accept this kind of prohibition without basis, no premise, particularly when we saw flag-draped coffins being utilized after the tragedy of 9/11? Why would you not allow us as Americans to embrace the widows and orphans and be able to say to them, thank you.

I urge my colleagues to support this amendment.

AMENDMENT #4 TO H.R. 5631, AS REPORTED (DURING ADVISORY GENERAL PROVISION) OFFERED BY MS. JACKSON-LEE OF TEXAS

At the end of the bill (before the short title), insert the following:

TITLED X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds appropriated in this Act may be used for the Leonard Wood Research Institute.

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE; at the end of the bill (before the short title), insert the following:

TITLED X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Leonard Wood Research Institute.

Mr. FLAKE. Mr. Chairman, before I address this amendment, let me simply say that I spoke earlier today with Representative Cuellar. He would have liked to be here to offer a defense of the last earmark, the Advanced Law Enforcement Rapid Response Training program. He offered a spirited defense to me today. I still don’t happen to agree with him about the amendment, but I know he would have liked to be here to offer that. And I have enjoyed the opportunity to hear about these amendments and to hear them defended today as Members have known that they are going to be challenged on the floor, and that is what this process is all about.

Mr. Chairman, this amendment would prohibit any funds from the Leonard Wood Institute at Fort Leonard Wood, Missouri. As many of you know, Major General Wood led the Rough Riders in the Spanish-American war. The Leonard Wood Institute develops, promotes, and manages worldwide collaborations that are related to the Department of Defense.

I am all for seeing the Missouri business sector grow as would other States’ business sectors as well, particularly Arizona. But it seems to me that American taxpayers are being
asked to spend Federal defense dollars on promoting Missouri businesses rather than on the war on terror. Again, we are picking winners and losers here. I know that there are institutions in Arizona, business sectors everywhere else, that would like to get this kind of funding, $20 million in the defense bill.

So why are we choosing one State? Why are we picking the businesses of that one State as the winners here?

I would ask the chairman of the subcommittee or the sponsor of the amendment to explain to the taxpayers and every other State outside of Missouri why we should support this earmark. Frankly, dollars in the defense bill should go to the war on terror. They ought to go to the troops. They ought to go for body armor. They ought to go for vehicles, for ammunition, for everything else we spend on defense. I do not believe they ought to go to support businesses that are simply looking for defense contracts or looking to promote business in one particular State.

Mr. MURTHA. Mr. Chairman, I rise in opposition to the amendment and ask for a "no" vote.

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

Mr. Chairman, this, it is my understanding, would be the last amendment to be considered on this bill today, and I wanted to just a minute to thank every person who participated in the debate. It has been a lively debate all day. A lot of good arguments were made on both sides of the various issues, but it is a good example of how intense this bill really is. It is a very large bill. It includes an awful lot of important material for the security of our Nation, to provide our troops with the best equipment possible, to provide them with the best training possible, to provide them with the best protective gear possible.

It is a bipartisan bill, one that was put together with the cooperation of all of the Members of both parties on the subcommittee. It was approved unanimously by the full committee. I want to compliment all the Members, especially of the subcommittee, who worked so hard to make this a good bill.

I want to thank the staff who was led on our side by John Shank and on Mr. MURTHA’s side by David Morrison, and the staff that worked with them. They are 24/7 workers, and they are extremely well-qualified and dedicated to the job that they do.

So thank you for a good day, and, Mr. Chairman, I want to especially compliment you on the excellent way that you have conducted the affairs of the committee this afternoon.

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

The question was taken; and the Chairman announced that the noes appeared to have it.
Mr. HEFLEY and Mr. POMEROY changed their vote from "aye" to "no."

The Acting CHAIRMAN (Mr. CHOCOLA). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHHEY) regarding the Lincoln Group 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.

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 268, not voting 11, as follows:

[Roll No. 301]

AYES—153

NOES—268

The result of the vote was announced as above recorded.

So the amendment was rejected.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Northwest Manufacturing Initiative 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.

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 56, noes 369, not voting 7, as follows:

[Roll No. 302]

AYES—56

NOES—369

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

So the amendment was rejected.

The result of the vote was announced as above recorded.
ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

\[222\]

So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. Flack) regarding Lewis on Center which further proceedings were postponed and on which the ayes prevailed by vote and the nays by voice vote. The amendment was rejected.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded. A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device and there were—aye, 50; nay, 37; not voting, 9, as follows:

[Roll No. 303]

AYES—50

Barrett (SC)
Barrett (NC)
Barrett (CT)
Bartleson (MN)
Bartlett (MD)
Bartlett (NY)
Bascomb (GA)
Baskett (WA)
Bass (WI)
Beauregard (LA)
Beaugard (LA)
Beauprez (CO)
Becker (MA)
Beckman (CA)
Becker (IA)
Becker (NY)
Beebe (MO)
Bennett (IN)
Berman (OH)
Berman (NY)
Berry (NC)
Bilirakis (FL)
Bilirakis (FL)
Bilirakis (FL)
Blair (IL)
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Blunt (MO)
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The Clerk will redesignate the amendment.

The vote was taken by electronic device, and there were—aye 62, noes 363, not voting 7, as follows:

[Roll No. 304]

AYES—62

Barrett (SC)  Gibbons  Norwood
Bass  Green (WI)  Paul
Bean  Gutzman  Pence
Beauprez  Hall  Petri
Bilirakis  Harrison  Ross
Blackburn  Hayworth  Roe
Bradley (NH)  Hefley  Price (GA)
Brown-Waite  Hensarling  Ramstad
Castle  Hice  Ryan (WI)
Chabot  Jindal  Session (OH)
Chocoia  Jones (NC)  Sessions
Cooper  Kennedy (MN)  Sessions (GA)
Deuli (GA)  King (GA)  Stearns
Duncan  Leach  Sullivan
Eilers  Linder  Tancredo
Fennoy  Long (LA)  Taylor (NC)
Ferry  R  Terry
Ford  Matheson  Udall (NM)
Fossella  McHenry  Upshaw
Franks (AZ)  McKeon  Vasquez
Garrett (NJ)  Myrick

NOES—383

Abercrombie  Berry  Boyd
Ackerman  Biggert  Brady (PA)
Aderholt  Bilirakis  Brady (TX)
Akin  Bishop (GA)  Brown (OH)
Alexander  Bishop (NY)  Brown (SC)
Allen  Bishop (UT)  Brown, Corinne
Andrews  Blumenauer  Burgos
Bass  Blunt  Burton (IN)
Bachus  Boehlert  Butterfield
Baird  Boehner  Buyer
Baker  Bono  Calvert
Balow  Bonner  Camp (MI)
Barrow  Bono  Campbell (CA)
Bartlett (MD)  Boozman  Cantor
Barton (TX)  Boren  Capito
Beccerra  Boswell  Capuano
Berkley  Boscher  Carnahan
Wynn

Carloza  Carnahan  Carter
Case  Chandler  Clay
Cleaver  Clyburn  Cobe
Cole (OK)  Conaway  Costa
Custodio  Cramer  Cronin
Crowley  Culhane  Cuellar
Culerson  Cummings  Davis (AL)
Davis (CA)  Davis (IL)  Davis (KY)
Davis (TN)  DeLauro  Delahunt
DeFazio  DelBello  DeLauro
Diaz-Balart, L  Diaz-Balart, M  Dickens
Digennaro  Doggett  Doyle
Doolittle  Doyle  Dreier
Edward  Emerson  Engel
English (PA)  Eshoo  Ewing
Finder  Fitzgerald (PA)  Foley
Forbes  Fortenberry  Fossella
Foxx  Franklin  Frank (MA)
Frehlinghaus  Gallegly  Garlock
Gilchrest  Gilman  Gillum
Gingrey  Gohmert  Gonsalves
Goode  Goodlatte  Gordon
Granger  Granger  Graves
Green, Al  Green, Gene  Grijalva
Gutierrez  Harman  Hart
Hastings (FL)  Hastings (WA)  Hayes
Herger  Herseth  Higgins
Hinchey  Hyundai  Hyde
Isaak  Istook  Jackson (IL)
Jackson (TX)  Jackson-Lee  Jenkins
Johnson (CT)  Johnson (IL)  Johnson, R. B.
Johnson, Sam  Jones (OH)  Jones (WY)
Kaptur  Kelley  Kennedy (RI)
Kilpatrick (MI)  King (NY)  King
Kirk  Kline  Knollenberg
Kolbe  Kucinich  Kuhl (IL)
LaHood  Langevin  Larsen
Larsen (WA)  Larson (CT)  LaTourette
Levin  Lewis (CA)  Lewis (GA)
Lewis (KY)  Lipinski  Longino
LoBiondo  LoBiondo  LoBiondo
Loehner  Logue, Zoe  Lowey
Lynch  Mack  Manley
Manuilo  Marchant  Marshall
Matsui  McCarthy  McCaul (TX)
McCollum (MN)  McCulley  McCuiston
McCreary  McDermott  McFadden
McHugh  McKinley  McKinney
McMorris  McNulty  Meek (FL)
Menendez  Menendez (NY)  Melancon
Mica  Michaud  Milender-Graves
McDonald  Miller (FL)  Miller (MI)
Miller (NC)  Miller, George  Mills
Moore (KS)  Moore (WI)  Moran (WY)
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CONGRESSIONAL RECORD — HOUSE

June 20, 2006

H4313

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MARCHANT), Under the Speaker’s announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO FLOYD PATTERTON

Mr. HINCHYE. Mr. Speaker, I ask unanimous consent to speak out of order.

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the engrossment of the bill, H.R. 5631, be returned to the Clerk to be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

REPORT ON H.R. 5647, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. REGULA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109-515) on the bill (H.R. 5647) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, 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.

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HINCHEY. Mr. Speaker, I ask unanimous consent that the engrossment of the bill, H.R. 5631, be returned to the Clerk to be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

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Mr. HINCHEY. Mr. Speaker, I ask unanimous consent to speak out of order.

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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There was no objection.

REPORT ON H.R. 5647, DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. REGULA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109-515) on the bill (H.R. 5647) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, 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.

Mr. HINCHEY. Mr. Speaker, I ask unanimous consent to speak out of order.

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. HINCHEY. Mr. Speaker, I ask unanimous consent that the engrossment of the bill, H.R. 5631, be returned to the Clerk to be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.