

Amendment No. 11 printed in House Report 109-461;

Amendment No. 12 printed in House Report 109-461;

Amendment No. 14 printed in House Report 109-461;

Amendment No. 23 printed in House Report 109-461;

Amendment No. 21 printed in House Report 109-461.

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

There was no objection.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The SPEAKER pro tempore. Pursuant to House Resolution 811 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5122.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes, with Mr. LATOURETTE (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 10, 2006, amendment No. 8 printed in House Report 109-459 by the gentleman from Minnesota (Mr. GUTKNECHT) had been disposed of and the request for a recorded vote on amendment No. 4 printed in that report by the gentlewoman from Texas (Ms. JACKSON-LEE) had been postponed.

Pursuant to House Resolution 811, no further amendment to the committee amendment shall be in order except those printed in House Report 109-461 and amendments en bloc described in section 3 of that resolution.

Each amendment printed in the report shall be offered only in the order printed in the report, except as specified in section 4 of the resolution, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment, and shall not be subject to a demand for division of the question.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of. Amendments en

bloc shall be considered read, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report out of the order printed, but not sooner than 30 minutes after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

AMENDMENTS EN BLOC OFFERED BY MR. HUNTER

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

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

Amendments en bloc offered by Mr. HUNTER printed in House Report 109-461 consisting of amendment No. 1; amendment No. 2; amendment No. 4; and amendment No. 19.

AMENDMENT NO. 1 OFFERED BY MR. BACA

The text of the amendment is as follows:

At the end of subtitle B of title III (page 67, after line 8), add the following new section:

#### SEC. 316. REPORT REGARDING SCOPE OF PERCHLORATE CONTAMINATION AT FORMERLY USED DEFENSE SITES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the results of a study of the scope of perchlorate contamination at Formerly Used Defense Sites. As part of the report, the Secretary shall identify the military installations or contractors that may have stored perchlorate or products containing perchlorate.

AMENDMENT NO. 2 OFFERED BY MR. CASTLE

The text of the amendment is as follows:

At the end of subtitle C of title VIII (page 295, after line 20), insert the following new section:

#### SEC. 815. AWARD AND INCENTIVE FEE CONTRACT STANDARDS.

(a) REQUIREMENT TO DEVELOP AND ISSUE STANDARDS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop and issue—

(1) standards that link award and incentive fees to desired program outcomes, such as meeting cost, schedule, and capability goals;

(2) standards that identify the appropriate approving official level involved in awarding new contracts utilizing award and incentive fees;

(3) guidance on when the use of rollover is appropriate in terms of new contracts utilizing award and incentive fees;

(4) performance measures to evaluate the effectiveness of award and incentive fees as a tool for improving contractor performance and achieving desired program outcomes; and

(5) guidance for the development of a mechanism to capture award and incentive fee data and to share proven award and incentive fee strategies with appropriate contracting and program officials at the Department of Defense.

(b) DEFINITION.—In this section, the term “rollover” means the process of moving un-

earned available award and incentive fees from one evaluation period to a subsequent evaluation period, thereby providing the contractor with an additional opportunity to earn that previously unearned award or incentive fee.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status and effectiveness of developing the standards required under subsection (a) for award and incentive fee contracts.

(d) SENSE OF CONGRESS.—It is the sense of Congress that award and incentive fees should be used to motivate excellent contractor performance and that such fees should not be awarded for below-satisfactory performance.

AMENDMENT NO. 4 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The text of the amendment is as follows:

At the end of subtitle B of title XXVIII (page 499, after line 15), add the following new section:

#### SEC. 2826. DEFENSE ACCESS ROAD PROGRAM.

Section 2837 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3522) is amended—

(1) in subsection (a), by inserting “and transit systems” after “that roads”; and

(2) in subsection (b)—

(A) by striking “and” at the end of paragraph (1); and

(B) by striking paragraph (2) and inserting the following new paragraphs:

“(2) to determine whether the existing surface transportation infrastructure, including roads and transit at each installation identified under paragraph (1) is adequate to support the increased traffic associated with the increase in the number of defense personnel described in that paragraph; and

“(3) to determine whether the defense access road program adequately considers the complete range of surface transportation options, including roads and other means of transit, necessary to support the national defense.”.

AMENDMENT NO. 19 OFFERED BY MR. SCHIFF

The text of the amendment is as follows:

At the end of title X (page 393, after line 23), add the following new section:

#### SEC. 1041. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO THREAT POSED BY IMPROVISED EXPLOSIVE DEVICES.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of the threat posed by improvised explosive devices (in the section referred to as “IEDs”) and describing efforts being undertaken to defeat this threat. Supplemental reports shall be submitted every 90 days thereafter to account for every incident involving the detonation or discovery of an IED since the previous report was submitted. Reports shall be transmitted in an unclassified manner with a classified annex, if necessary.

(b) JOINT IED DEFEAT ORGANIZATION AND RELATED OFFICES.—The reports required by subsection (a) shall provide the following information regarding the Joint IED Defeat Organization and all other offices within the Department of Defense and the military departments that are focused on countering IEDs:

(1) The number of people assigned to the Joint IED Defeat Organization and the related offices.

(2) The major locations to which personnel are assigned and organizational structure.

(3) The projected budget of the Joint IED Defeat Organization and the related offices.

(4) The level of funding required for administrative costs.

(C) EXISTING THREAT AND COUNTER MEASURES.—The reports required by subsection (a) shall include the following information regarding the threat posed by IEDs and the countermeasures employed to defeat those threats:

(1) The number of IEDs being encountered by United States and allied military personnel, including general trends in tactics and technology used by the enemy.

(2) Passive countermeasures employed and their success rates.

(3) Active countermeasures employed and their success rates.

(4) Any evidence of assistance by foreign countries or other entities not directly involved in fighting United States and allied forces in Iraq and Afghanistan.

(5) A list and summary of data collected and reports generated by the Department of Defense and the Armed Forces on counter-IED efforts in Iraq and Afghanistan and other fronts in the Global War on Terrorism.

(d) RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION OF NEW COUNTERMEASURES.—The reports required by subsection (a) shall include the following information regarding research, development, testing, and evaluation of new active and passive countermeasures and impediments to those efforts:

(1) The status of any and all efforts within the Department of Defense and the Armed Forces to research, develop, test, and evaluate passive countermeasures and active countermeasures and to speed their introduction into units currently deployed overseas.

(2) Impediments to swift introduction of promising new active countermeasures.

(e) INTERDICTION EFFORTS.—To the extent not previously covered in another section of the reports required by subsection (a), the reports shall identify any and all other offices within the Department of Defense or the Armed Forces that are focused on interdicting IEDs, together with the personnel and funding requirements specified in subsection (b) and the success of such efforts. For purposes of this subsection, interdiction includes the development of intelligence regarding persons and locations involved in the manufacture or deployment of IEDs and subsequent action against those persons or locations, including efforts to prevent IED emplacement.

The Acting CHAIRMAN. Pursuant to House Resolution 811, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Mr. Chairman, Mr. BACA's amendment requires the Department of Defense to study the scope of perchlorate contamination at formerly utilized defense sites.

Mr. CASTLE's amendment implements GAO's recommendations to cut down and award an incentive fee spending waste by requiring the Department to develop a strategy for linking incentives to specific outcomes such as meeting costs, schedule and capability goals. It also establishes guidance for improving the effectiveness of award and incentive fees, and ensures that appropriate approving officials are overseeing these decisions. The Department

would be required to report to Congress on the status and effectiveness of these new standards.

□ 1315

The amendment offered by Mr. DAVIS is the defense access road amendment; and this program, which is known as the DAR program, currently allows DOD to pay for road projects made necessary by DOD actions, and this amendment would allow DOD to consider transit projects as part of DAR as well.

Mr. SCHIFF's amendment directs the Secretary of Defense to submit to Congress a series of regular reports on the threat to American personnel posed by IEDs, improvised explosive devices, as well as action being taken to interdict IEDs and to develop more effective active and passive countermeasures. The first report would be due 30 days after enactment, the subsequent reports every 90 days thereafter. Reports would be unclassified, with a classified annex if necessary.

Mr. Chairman, the committee supports these amendments, and let me just say with respect to the last amendment, that the committee works every day on the IED issue, and we communicate with DOD every day on operations and on the development of the countermeasure systems that we are currently undertaking to rush to the battlefield. So I very much appreciate the gentleman's concern. I think that IEDs, and I am sure he shares this concern, are an instrument of choice now by terrorists, and this is probably the most compelling challenge facing us in the warfighting theaters and in the global war against terror right now.

We work this issue every single day. We have got a new package of equipment that we are moving out, and we have added \$109 million to this countermeasure fund this year. We are going to try to move that up, even if we have to move money out of the various services, and we are going to work this problem every day. So I invite the gentleman to work with us and work with our staff, and I think these reports will be value added to the process. I thank the gentleman from California for his work.

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

Mr. SKELTON. Mr. Chairman, I rise in support of this en bloc amendment, and I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

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

Mr. SCHIFF. Mr. Chairman, I want to thank the chairman and the ranking member for working with me on this amendment, and I in particular want to thank you for all of your diligence in making sure that we have the best equipment and that the Pentagon is doing everything else possible to interdict and to defend against these improvised explosive devices.

We have all been to the funerals of our constituents that were lost in Iraq and Afghanistan. Most of them have been lost through improvised explosive devices. I think it is the number one cause of American deaths in Iraq, and I think three out of the four families that I have gotten to know that have lost loved ones in Iraq were killed by IEDs. They have been responsible for 38 percent of all U.S. deaths in Iraq, including those from non-hostile causes, for every month since May of 2005. Through Sunday, IEDs caused 790 American deaths in Iraq, representing a third of all U.S. fatalities since the start of the war.

Clearly, the Iraqi insurgents have learned to adapt to U.S. defensive measures by using bigger, more sophisticated and better concealed bombs. In the first few months of the insurgency, IEDs were often little more than crude pipe bombs that used old-fashioned wire detonators. Now they are sometimes made with multiple artillery shells, Iranian explosives, and rocket propellant. Gone are the days of wire detonators that were easy to spot. IEDs are now detonated by cell phones or a garage door opener and other devices. They range in size from massive explosives capable of destroying 5-ton vehicles to precision-shaped charges that tear through armored vehicles.

IEDs have also become, unfortunately, a greater problem in Afghanistan where, according to analysts, Taliban and al Qaeda forces have been studying the lessons learned by the insurgents in Iraq. Over the past several months, American and NATO forces have been the victim of roadside bombs that previously we had just seen in Iraq.

So, Mr. Chairman, to the chairman of the committee and the ranking member, I very much look forward to working with you on this issue. I appreciate your willingness to work on this amendment.

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

I thank the gentleman for his contribution, and let me just lay out some of things that we are doing because I think this area is so important for us. Included in the base bill, the gentleman from Missouri and myself and our great members of the committee on both sides of the aisle worked out, we added \$109.7 million for jammers. Jammers are very important in this IED business because these improvised explosive devices are largely detonated remotely.

As the gentleman knows, few of them, some of them, are detonated by wires that are connected to detonators, and you may have an insurgent hiding 20, 30, 40, 50 yards from the roadside or from the dismounted U.S. military unit and he detonates it with a clacker or a detonation device in the style that has been utilized by militaries up to the last several years ago.

The other detonation device, and one that is now the device of choice, is a remote detonation, and that detonation

allows a person, the insurgent, to be many yards away, far away from the particular avenue that he is ambushing. In many cases, he does not even need to have a weapon. He may be lost in a crowd, and he waits for a convoy to line up on a particular lamp post or other object, and he blows this device, which may be a 152-millimeter artillery round by using this remote detonation capability. Without getting into the classified areas, there are a number of remote detonation capabilities, and what we are trying to do is to direct our countermeasures to be able to jam those detonations.

So we have put a lot of extra money in. The administration has a lot of money in, but we have put in more. We have been working on equipment packages with them, and the key is to move this stuff through the training ranges here, the testing ranges, quickly into the field; and I can assure the gentleman we are really going to be working on this. So I thank him so much for his focus on this important area, and we will work together.

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

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. BACA).

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

Mr. BACA. Mr. Chairman, first of all, I would like to thank the gentleman from California (Mr. HUNTER) and, of course, the gentleman from Missouri (Mr. SKELTON) too, as well, and I would like to also thank Congressman DREIER, Congressman LEWIS, and Congressman POMBO in helping us work with this simple amendment that basically asks the Department of Defense to require a study of the perchlorate contamination at formerly utilized defense sites, otherwise known as FUDS.

The amendment also requires an assessment of what military installations or contractors have stored perchlorate. This study will help us have a national understanding of this problem that has so far been seen in our region.

Southern California, the Bay Area, Massachusetts, Michigan, New Hampshire, are only a few of the regions affected. Is this happening in your State?

Cities and counties across the country are closing their groundwater wells due to perchlorate contamination. From most accounts, 90 percent of perchlorate in water comes from a Federal source, primarily from former military sites and other Department of Defense installations.

This volatile organic compound is a rocket fuel additive that has been found to be harmful to thyroid function. 319 groundwater wells are impacted in California alone, with 78 of them in my district; and 186 sources in San Diego, Riverside, and Orange Counties have been impacted.

Several States throughout the country are now waking to a similar problem and are also seeing similar effects in their areas.

Perchlorate does not just affect the drinking water supply, but our food supplies as well. So it does affect supplies. It has been reported in lettuce in the Imperial Valley which relies on the Colorado River for irrigation, and perchlorate has been found in milk.

Hardworking families living in the United States with large military and aerospace facilities are not at fault and should not have to pay for a federally created problem.

Many communities cannot afford costly toxic cleanups, and the alternative is no better. Cities are being forced to raise water rates to outrageous levels, forgo dust control on highways to meet clean air requirements, and to truck in water from other regions.

For the 43rd Congressional District of California and many other districts throughout the country, the Federal Government needs to step up and take responsibility. That is basically what we are asking is just the Federal Government to take responsibility and do a study.

We need to fully understand the scope of the problems so we can protect our children and protect the elderly from this dangerous health risk.

The House of Representatives has already twice passed a bill I introduced, H.R. 18, the Southern California Ground Remediation Act, which authorized \$50 million for groundwater remediation, including perchlorate. Meanwhile, the Senate has not allowed this bill to become law. It is clear my colleagues in the House support this measure.

But our communities cannot wait any longer. That is why I have introduced this amendment to study the perchlorate contamination legacy from FUDS. This is required to advance the body of research already under way.

Ultimately, we must remember that this is a federally created problem; and, hence, the solution must be Federal as well.

Mr. HUNTER. Mr. Chairman, I just want to say to my colleague from California that he has brought an excellent amendment to the floor here, and this is certainly something that does require action, justifies action by the Federal Government, and we totally support his amendment on this side.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to offer this amendment to help States all across the Nation deal with the dynamic affects of BRAC can have on their local communities. In my district alone we will incur the single largest loss and gain in the most recent round of BRAC. We will have roughly 23,000 positions vacated out of DoD leased space in Arlington, Virginia and roughly the same number of jobs added to Fort Belvoir, Virginia.

While we give warm welcome to the additional jobs coming to Fort Belvoir we must ensure that we are able to continue to observe our smart growth principles. The transportation infrastructure in the vicinity of Fort Belvoir/Southern Alexandria sector is already overburdened and inadequate. It is important that DoD has a wide array of tools at its disposal

in order to work with our local community to help absorb the affects of such a massive growth.

The Defense Access Road (DAR) program currently allows DoD to pay for road projects made necessary by DoD actions. My amendment would simply allow DoD to consider transit projects as part of the Defense Access Road program as well. It does not force DoD to enforce a blanket policy because I know each community has its own specific needs and a one size fits all is simply not appropriate. Some communities could use more roads and others could use buses.

Mr. Chairman, I know my district was not the only one effected by BRAC. My amendment is important to every State across the Nation that was affected by BRAC or any other DoD action that will significantly impact their local communities. I have already received a call from the North Carolina's Governor's office supporting this effort.

Mr. Chairman, in closing I would like to thank Chairman HUNTER, Senator WARNER, and JIM MORAN for working with me to make this amendment a reality. I urge an "aye" vote.

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

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

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

The amendments en bloc were agreed to.

AMENDMENTS EN BLOC OFFERED BY MR. HUNTER

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

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

Amendments en bloc offered by Mr. HUNTER printed in House Report 109-461 consisting of amendment No. 3; amendment No. 5; amendment No. 17; and amendment No. 20.

AMENDMENT NO. 3 OFFERED BY MR. CHABOT

The text of the amendment is as follows:

At the end of subtitle D of title VI (page 229, after line 16), insert the following new section:

**SEC. 644. SENSE OF CONGRESS CONCERNING ELIGIBILITY OF CERTAIN ADDITIONAL DEPENDENT CHILDREN FOR ANNUITIES UNDER MILITARY SURVIVOR BENEFIT PLAN.**

It is the sense of Congress that eligibility for a surviving child annuity in lieu of a surviving spouse annuity under the military Survivor Benefit Plan for a child of a member of the Armed Forces dying while on active duty should be extended so as to cover children of members dying after October 7, 2001 (the beginning of Operation Enduring Freedom), rather than only children of members dying after November 23, 2003.

AMENDMENT NO. 5 OFFERED BY MR. TOM DAVIS OF VIRGINIA

The text of the amendment is as follows:

At the end of subtitle D of title XXVIII (page 504, after line 7), add the following new section:

**SEC. 2844. MODIFICATIONS TO LAND CONVEYANCE AUTHORITY, ENGINEERING PROVING GROUND, FORT BELVOIR, VIRGINIA.**

(a) CONSTRUCTION OF SECURITY BARRIER.—Section 2836 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1314),

as amended by section 2846 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163; 119 Stat. 3527), is further amended—

(1) in subsection (b)(4), by striking “\$3,880,000” and inserting “\$4,880,000”; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting after “Virginia,” the following: “and the construction of a security barrier, as applicable;” and

(B) in paragraph (2), by inserting after “Building 191” the following: “and the construction of a security barrier, as applicable”.

(b) **AUTHORITY TO ENTER INTO ALTERNATIVE AGREEMENT FOR DESIGN AND CONSTRUCTION OF FAIRFAX COUNTY PARKWAY PORTION.**—Such section 2836 is further amended—

(1) in subsection (b)—

(A) by amending paragraph (1) to read as follows:

“(1) except as provided in subsection (f), design and construct, at its expense and for public benefit, the portion of the Fairfax County Parkway through the Engineer Proving Ground (in this section referred to as the ‘Parkway portion’);” and

(B) in paragraph (2), by inserting after “C514” the following: “, RW-214 (in this section referred to as ‘Parkway project’)”;

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection:

“(f) **ALTERNATE AGREEMENT FOR CONSTRUCTION OF ROAD.**—(1) The Secretary of the Army may, in connection with the conveyance authorized under subsection (a), enter into an agreement with the Commonwealth providing for the design and construction by the Department of the Army or the United States Department of Transportation of the Parkway portion and other portions of the Fairfax County Parkway off the Engineer Proving Ground that are necessary to complete the Parkway project (in this subsection referred to as the ‘alternate agreement’) if the Secretary determines that the alternate agreement is in the best interests of the United States to support the permanent relocation of additional military and civilian personnel at Fort Belvoir pursuant to decisions made as part of the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

“(2) If the Secretary of Defense certifies that the Parkway portion is important to the national defense pursuant to section 210 of title 23, United States Code, the Secretary of the Army may enter into an agreement with the Secretary of Transportation to carry out the alternate agreement under the Defense Access Road Program.

“(3) The Commonwealth shall pay to the Secretary of the Army the costs of the design and construction of the Parkway portion and any other portions of the Fairfax County Parkway off the Engineer Proving Ground designed and constructed under the alternate agreement. The Secretary shall apply such payment to the design and construction provided for in the alternate agreement.

“(4) Using the authorities available to the Secretary under chapter 160 of title 10, United States Code, and funds deposited in the Environmental Restoration Account, Army, established by section 2703(a) of such title and appropriated for this purpose, the Secretary may carry out environmental restoration activities on real property under the jurisdiction of the Secretary in support of the construction of the Parkway portion.

“(5) The alternate agreement shall be subject to the following conditions:

“(A) The Commonwealth shall acquire and retain all necessary right, title, and interest in any real property not under the jurisdiction of the Secretary that is necessary for construction of the Parkway portion or for construction of any other portions of the Fairfax County Parkway off the Engineer Proving Ground that will be constructed under the alternate agreement, and shall grant to the United States all necessary access to and use of such property for such construction.

“(B) The Secretary shall receive consideration from the Commonwealth as required in subsections (b)(2), (b)(3), and (b)(4) and shall carry out the acceptance and disposition of funds in accordance with subsection (d).

“(6) The design of the Parkway portion under the alternate agreement shall be subject to the approval of the Secretary and the Commonwealth in accordance with the Virginia Department of Transportation Approved Plan, dated June 15, 2004, Project #R000-029-249, PE-108, C-514, RW-214. For each phase of the design and construction of the Parkway portion under the alternate agreement, the Secretary may—

“(A) accept funds from the Commonwealth; or

“(B) transfer funds received from the Commonwealth to the United States Department of Transportation.

“(7) Upon completion of the construction of the Parkway portion and any other portions of the Fairfax County Parkway off the Engineer Proving Ground required under the alternate agreement, the Secretary shall carry out the conveyance under subsection (a). As a condition of such conveyance carried out under the alternate agreement, the Secretary shall receive a written commitment, in a form satisfactory to the Secretary, that the Commonwealth agrees to accept all responsibility for the costs of operation and maintenance of the Parkway portion upon conveyance to the Commonwealth of such real property.”; and

(4) in subsection (g), as redesignated by paragraph (2), by inserting “or the alternate agreement authorized under subsection (f)” after “conveyance under subsection (a)”.

**AMENDMENT NO. 17 OFFERED BY MR. RYAN OF OHIO**

The text of the amendment is as follows:

At the end of subtitle C of title II (page 50, after line 23), insert the following new section:

**SEC. 2 . HIGH ALTITUDE AIR SHIP PROGRAM.**

Within the amount provided in section 201 for Research, Development, Test, and Evaluation, Air Force—

(1) \$5,000,000 is available for the High Altitude Air Ship Program; and

(2) the amount provided for the Space Based Space Surveillance System is reduced by \$5,000,000.

**AMENDMENT NO. 20 OFFERED BY MS. SLAUGHTER**

The text of the amendment is as follows:

At the end of title V (page 193, after line 20), insert the following new section:

**SEC. 5xx. INCLUSION IN ANNUAL DEPARTMENT OF DEFENSE REPORT ON SEXUAL ASSAULTS OF INFORMATION ON RESULTS OF DISCIPLINARY ACTIONS.**

Section 577(f)(2)(B) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 1927) is amended by inserting before the period at the end the following: “and the results of the disciplinary action”.

The Acting CHAIRMAN. Pursuant to House Resolution 811, the gentleman from California (Mr. HUNTER) and the

gentleman from Missouri (Mr. SKELTON) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume. Let me offer the description of the amendments.

Mr. CHABOT's amendment expresses a sense of Congress that the spouses of armed services members who have died between October 7, 2001, and November 23, 2003, should be permitted to have the option of assigning their SBP payments, their survivor payments, to their children.

Mr. DAVIS' amendment is another defense access road amendment. This amendment would allow DOD to consider transit projects, as well, as part of the DAR, the Defense Access Road program.

Mr. RYAN of Ohio's amendment authorizes \$5 million for the High Altitude Airship program. The HAA is designed to be an uninhabited, long-endurance, platform for carrying forward-based sensors and a wide range of other BMD payloads that will enable continuous over-horizon communication. It would also provide wide-area surveillance and protection without interruption or the risk associated with manned aircraft. The offsets are \$5 million from the Space Based Space Surveillance program, and this is another tool for sensor and surveillance capability.

The amendment offered by Ms. SLAUGHTER requires the Department of Defense to include the number of disciplinary actions as part of the annual report on sexual assault in the military.

So those are brief definitions or descriptions of these amendments.

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

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

Let me say I support this second en bloc series of amendments on behalf of my colleagues, in particular Mr. RYAN and Ms. SLAUGHTER, who have amendments within this en bloc package.

Mr. RYAN's amendment in this adds money for High Altitude Airship, and it moves it to the Air Force.

Ms. SLAUGHTER's amendment includes the number of disciplinary actions as part of the annual report on sexual assaults within the military.

Those as well as the others, Mr. CHABOT's and Mr. DAVIS' amendments, do meet with our support and approval and I intend to support them, and I urge my colleagues to do the same.

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

□ 1330

Mr. HUNTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Chairman, I thank Chairman HUNTER for his hard work, not just this year but over the years working on behalf of our men and

women in uniform who serve us so well all around the globe. He, of course, is a Vietnam veteran himself and has seen action and knows exactly what he is talking about. I commend him for his work in this area.

In November of 2003, President Bush signed into law the National Defense Authorization Act of 2004. This legislation allowed spouses of active duty personnel killed after November 23, 2003, the option of signing their military survivor benefit plan, the SBP payments, over to their child or children so they could receive the payment without being subject to SBP dependency indemnity compensation, or DIC, the offset.

Unfortunately, this option is not currently available to spouses of soldiers killed from the time period beginning October 7, 2001, which was the start of operations in Iraq and Afghanistan, until November 23, 2003, when the legislation was actually passed. There are approximately 400 families who are adversely affected by this glaring omission.

One such family who lives in my district is Shauna Moore and her 3-year-old daughter, Hannah. Their loving husband and father, Army Sergeant Benjamin Moore, was fatally shot during a rifle-training exercise at Fort Hood, Texas, in February, 2003, while preparing for deployment to Iraq. It is through these unfortunate circumstances that I have had the chance to meet and talk with Shauna Moore and hear her story.

So today I am offering an amendment that expresses the sense of Congress that the widows and widowers of these 400 brave American soldiers who gave their lives in defense of our freedoms do not remain the forgotten few.

If accepted, I am hopeful that this amendment is the start of a process by which we may allow these 400 spouses and their families to obtain the option of assigning their SBP payments to their children, just as those whose spouses died after November 23, 2003, have been given the opportunity to do.

I believe this is the least we can do for families and people like Shauna and Hannah Moore who have already had to deal with the tragedy of losing a loved one. They should not be penalized solely because their loved one made the ultimate sacrifice protecting our country after the start of the Afghanistan and Iraq wars but before November 23, 2003, when that particular legislation passed. These are 400 families that should not be forgotten. I believe my colleagues will support this.

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

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

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman for bringing this to our attention. There are no more important citizens than those who defend our freedom and carry our flag; and right there with them are their family members.

I think this is an excellent amendment, and the committee supports it fully.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to offer this amendment in an attempt to resolve deadlocked negotiations between the State of Virginia and the Army. For years now, the completion of the Fairfax County Parkway, a major parkway in my district, has been held hostage to complications with building through the Engineering Proving Ground. The Engineering Proving Ground was a former military airfield which has environmental concerns that are inherent of its history.

Empirical data has shown the Engineering Proving Ground is suitable for road construction. My amendment simply allows the State of Virginia and the Army the authority they need to negotiate a sensible and environmentally sound solution to complete the parkway. It allows the Army to enter into a special agreement with the State of Virginia. This agreement would authorize the State of Virginia to fund projects on the Engineering Proving Ground while allowing the Army to maintain control of the project.

I was Chairman of the Fairfax County Board back when we completed the largest section of the Fairfax County Parkway and was proud to see the road come to near completion. However, a number of years have gone by since and it is truly frustrating to all northern Virginians not to have the small portion of the parkway through the Engineering Proving Ground completed at this time.

In addition, due to the most recent round of BRAC, Northern Virginia will gain over 23,000 jobs in the Fort Belvoir area. This is equivalent to gaining four major bases—was the single largest BRAC addition in the country. Completing the Fairfax County Parkway is a critical step in setting the infrastructure we need to help assuage the welcome, but massive growth.

In closing I would like to thank Chairman HUNTER, Senator WARNER, and JIM MORAN for working with me to make this amendment a reality. I urge an aye vote.

Mr. CASTLE. Mr. Chairman, I rise to offer a simple, but much needed amendment to the legislation before us today.

In an effort to encourage defense contractors to perform at the highest level possible, the Department of Defense often gives its contractors the opportunity to collectively earn billions of dollars through monetary incentives known as award and incentive fees.

Unfortunately, the Department's acquisition process has at times run into problems such as dramatic cost increases, late deliveries, and significant performance shortfalls—wasting billions of dollars in critical funding.

Last month, the Government Accountability Office (GAO) reported that the Pentagon's current award and incentive fee practices do not hold contractors accountable for achieving desired outcomes and routinely undermine efforts to motivate contractor performance.

In its study, GAO noted that the Department regularly gives defense contractors multiple opportunities to earn incentive fees for work that at times only meets minimum standards and has wasted billions of dollars as a result of this incredibly flawed process.

The Pentagon has concurred with GAO's recommendations for improving this system, and while the Department's acknowledgment of the problem is an important step forward,

the effectiveness of these changes will ultimately be determined by how well GAO's recommendations are implemented.

My amendment would ensure Congress performs appropriate oversight and would require the Department to develop a strategy for linking incentives to specific outcomes, such as meeting cost, schedule, and capability goals. It would also make certain that appropriate approving officials are overseeing these decisions.

Cost increases and business management weaknesses damage our government's ability to provide our men and women in the military with the resources that 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 make certain that award and incentive fees are being used to maximize our return on investment and provide American soldiers with vital capabilities at the best value for the taxpayer.

Ms. SLAUGHTER. Mr. Chairman, I am pleased to have the opportunity to offer this very important amendment requiring the Department of Defense (DoD) to provide the results of all disciplinary actions in their annual report on sexual assault.

As part of the DoD Authorization bill in FY 2004, the DoD is required to submit annual reports on sexual assaults involving members of the Armed Forces.

This past March, DoD issued its second annual report. The military criminal investigation organizations received nearly 2,400 reports of alleged cases of sexual assault involving members of the Armed Forces—a significant increase from 1,700 cases reported in 2004.

Of the nearly 2,400 allegations, less than 1,400 cases were actually investigated—91 received non-judicial punishments, 18 were discharged in lieu of court-martial, 62 had administrative actions taken against them, and 79 offenders had been court-martialed.

However, while this annual report has been helpful in presenting the full scope of this growing problem, it fails to provide a complete understanding of how sexual assault cases are prosecuted in the military.

It does not include the results of all disciplinary actions, including Article 15s and convictions. For example, of the 79 courts-martial issued in 2006, we have no idea how many resulted in convictions.

Mr. Chairman, DoD's response to sexual assault in the military deserves more scrutiny. And as Members of Congress, it is our responsibility to provide this oversight.

In order for us to effectively address this serious problem, evaluations must be based on facts and statistics.

By including the results of all disciplinary actions in the annual report, we will have a more complete, transparent understanding of how DoD is addressing the problem of sexual assault in military.

We owe it to the men and women in uniform defending our freedom to ensure that justice is served when they find themselves victims of sexual assault.

I want to thank the Chairman for working with me on this amendment, and I urge my colleagues to support its passage.

Mr. BROWN of Ohio. Mr. Chairman, today, the House will consider an amendment offered by Congressman TIM RYAN, who represents the city of Akron, Ohio with me.

The Ryan amendment will restore \$5 million in the 2007 Defense Authorization bill for the High Altitude Airship (HAA) Program. The HAA is being built at the Lockheed Martin Airdock in Akron.

The HAA is an unmanned lightweight vehicle, which will operate above the jet stream to deliver continuous over-horizon communication. In position, an airship will survey a 600-mile diameter area without the risks associated with manned aircrafts.

The HAA will be used for missile defense, but also to provide border surveillance and emergency communication tools to improve homeland security.

This project is expected to create close to 100 jobs, protect more than 500 current jobs, and bring some \$130 million in technology development investments to the Akron area.

I am proud to support the HAA Program. It positions Summit County at the heart of the development of this national security technology and will strengthen Ohio's economic base.

Though I wish the House Armed Services Committee had authorized full funding for the HAA, the Ryan amendment provides an opportunity to keep this critical initiative moving forward.

I appreciate the Chairman's support in this effort and urge all of my colleagues to join me in voting for the Ryan amendment.

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

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

The Acting CHAIRMAN. All time for debate has expired.

The question is on the second set of amendments en bloc offered by the gentleman from California (Mr. HUNTER).

The amendments en bloc were agreed to.

AMENDMENT NO. 6 OFFERED BY MR. DENT

Mr. DENT. 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. 6 printed in House Report 109-461 offered by Mr. DENT:

Page 427, line 14, insert “, in coordination with the Secretary of Homeland Security,” after “Secretary of Defense”.

Page 427, line 15, insert “-Homeland Security” after “Homeland Defense”.

Page 427, line 21, insert “-Homeland Security” after “Homeland Defense”.

Page 427, after line 24, insert the following new paragraph (2) (and redesignate existing paragraphs accordingly):

(2) the Department of Homeland Security; Page 428, line 7, insert “-Homeland Security” after “Defense”.

Page 428, line 19, insert “and the Department of Homeland Security” after “Defense”.

Page 429, line 1, insert “and the Secretary of Homeland Security” after “Defense”.

Page 429, line 13, insert “and in coordination with the Secretary of Homeland Security” after “Defense”.

Page 429, line 22, insert “-Homeland Security” after “Homeland Defense”.

Page 430, line 10, insert “or the Department of Homeland Security” after “Defense”.

Page 431, line 4, insert “, in coordination with the Secretary of Homeland Security,” after “Secretary of Defense”.

Page 431, line 11, insert “-Homeland Security” after “Homeland Defense”.

Page 431, line 18, insert “-Homeland Security” after “Homeland Defense”.

The Acting CHAIRMAN. Pursuant to House Resolution 811 the gentleman from Pennsylvania (Mr. DENT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

First, I thank Chairman HUNTER and the ranking member, Mr. SKELTON, for their leadership on this very important piece of legislation.

I rise today to offer an amendment to title XIV to H.R. 5122 that would ensure that the Department of Defense and the Department of Homeland Security work together as part of a homeland defense-homeland security technology transfer consortium to facilitate the transfer of viable DOD technologies in order to enhance the homeland security capabilities of Federal, State, and local first responders.

The Department of Defense has been a leading developer of technology for years, and some of the innovations it has pioneered may have outstanding homeland security applications. These types of technologies include: unmanned aerial vehicles, UAVs; ground sensors which help authorities monitor activities over vast expanses of terrain; biometric identification technologies which can assist in the creation of tamper-proof identity cards; radiological detectors which can monitor the transport of nuclear and other potentially dangerous materials; and sophisticated surveillance equipment, examples of which include night vision goggles and microwave and infrared imaging gear.

While these technologies have been helpful to our warfighters overseas, the Federal, State and local agencies charged with protecting us here at home could also make good use of these kinds of products. Unfortunately, the process of transferring these technologies from the military to the civilian sector has been a bit slow.

As a member of the Homeland Security Committee, I would like first responders and other appropriate authorities to have quicker access to and to make good use of these technologies.

Accordingly, my amendment would provide for the creation of a homeland defense-homeland security technology transfer consortium that would facilitate this transfer. It specifically calls for the inclusion of the Department of Homeland Security, which is already in the process of developing and utilizing many of these technologies that I have just described.

Within this consortium, it also brings State and local first responders into the deliberative process. The consortium will be involved in integrating new technologies into appropriate first responder exercises, in promoting interoperability, and, of course, in

identifying and developing those defense technologies that have the most promising applications for homeland security.

By facilitating these kinds of transfers, Federal, State, and local agencies can work better together and can function more efficiently and the homeland can be safer.

I thank Chairman HUNTER and the ranking member, Mr. SKELTON, for their leadership on this issue.

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

Mr. REYES. Mr. Chairman, I ask unanimous consent to claim the time in opposition, even though I am not opposed to the amendment as stated.

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

There was no objection.

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

Mr. Chairman, as a veteran of 26½ years of working with the Border Patrol, I understand and appreciate the necessity of Mr. DENT's amendment that requires close cooperation between the Secretary of Defense and the Secretary of the Department of Homeland Security.

More than ever today, post-9/11 and with the many different challenges that we face with the potential of another strike against our country, it is critical, it is imperative that we continue to urge both the Department of Defense and the Department of Homeland Security to do as much as possible to cooperate, share information, and provide a unified front and protection for our country.

This is a way of ensuring that we codify that cooperation by expressly putting it into the legislation that this cooperation take place. It is critical. It is vital; and based on my experience where there has been a tremendous amount of cooperation traditionally between the Department of Defense and agencies such as the Border Patrol, for Border Patrol operations on the border itself, I believe that this is a good amendment.

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

Mr. DENT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. HUNTER), the distinguished chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, it is especially appropriate to be able to follow the gentleman from El Paso, Mr. REYES, who was in my estimation the greatest Border Patrol chief in the history of our country. He did a tremendous job under very challenging odds.

I remember working with him long before he became a Representative in the most southern areas of Texas and then ultimately up in the El Paso area. One thing that challenged him and challenged us in San Diego in more recent times was tunneling. Of course, detection of tunnels is something that the military engages in every now and

then, and that is a good example of candidate technologies for sharing of technology between DOD and the Department of Homeland Security.

Likewise, surveillance sensors, it has always been a pleasure to go down with the gentleman from El Paso, go down to his district with Joint Task Force 6 and look at that interaction. And I really appreciate Mr. DENT coming up with this amendment that will move to mesh these technologies and make sure that when the American taxpayers pay for the development of something that will accrue to the benefit of our security, that it gets shared and gets moved across what is sometimes kind of a bright line between the military and the Department of Homeland Security.

You have done a great job and thank you for bringing this amendment to our attention. We support it fully.

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

I thank everybody involved for their support for this amendment. Its interdisciplinary approach is most appropriate. This transfer technology consortium is long overdue. As has been stated several times already, there is so much technology coming out of the Department of Defense that needs to be shared with the homeland security. Of course, this will also make its way down to our first responders, State and local first responders.

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

Building on the comments of my good friend and my chairman, I can attest to all of the cooperation, having spent 26½ years in the Border Patrol, to all of the cooperation since the creation of Joint Task Force 6, which was headquartered in my district, now Joint Task Force North. The number of projects and programs that the Department of Defense provides support to both State, local, and Federal agencies, and in specific consortium projects such as building roads, building infrastructure support such as strategic fencing in certain parts of the border area, that greatly acts as a barrier and as a force multiplier for our Border Patrol agents.

So there are many, many things that the Department of Defense is doing and has done that provide that kind of support to the Department of Homeland Security, formerly Border Patrol and INS.

I know in the next amendment we are going to be debating the issue of giving the Secretary the flexibility to send troops on the border, and I just want to state here in anticipation of leading the debate on that issue, as a Member that represents a border district, we do not need troops on the border. Sufficient support is already coming from the Department of Defense. The reality of this is there are other things that I will address at that time that we could be doing and that we should have done as a result of the law that we passed in 1986.

Mr. Chairman, I appreciate the opportunity to support Mr. DENT in his amendment.

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

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

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DENT).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. GOODE

Mr. GOODE. 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. 8 printed in House Report 109-461 offered by Mr. GOODE:

At the end of subtitle C of title X (page \_\_\_\_, after line \_\_\_\_), add the following new section:

**SEC. 1026. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES TO ASSIST BUREAU OF CUSTOMS AND BORDER PROTECTION AND UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT.**

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

**“§ 374a. Assignment of members to assist border patrol and control**

“(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist the Bureau of Customs and Border Protection and the United States Immigration and Customs Enforcement of the Department of Homeland Security—

“(1) in preventing the entry of terrorists, drug traffickers, and illegal aliens into the United States; and

“(2) in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

“(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

“(1) the assignment is at the request of the Secretary of Homeland Security; and

“(2) the request is accompanied by a certification by the Secretary of Homeland Security that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

“(c) TRAINING PROGRAM REQUIRED.—The Secretary of Homeland Security and the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

“(d) CONDITIONS OF USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Bureau of Customs and Border Protection or the United States Immigration and Customs Enforcement is performing du-

ties pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

“(2) Nothing in this section shall be construed to—

“(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

“(B) supersede section 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’).

“(e) ESTABLISHMENT OF ONGOING JOINT TASK FORCES.—(1) The Secretary of Homeland Security may establish ongoing joint task forces if the Secretary of Homeland Security determines that the joint task force, and the assignment of members to the joint task force, is necessary to respond to a threat to national security posed by the entry into the United States of terrorists, drug traffickers, or illegal aliens.

“(2) If established, the joint task force shall fully comply with the standards as set forth in this section.

“(f) NOTIFICATION REQUIREMENTS.—The Secretary of Homeland Security shall provide to the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a) and to local governments in the deployment area notification of the deployment of the members to assist the Department of Homeland Security under this section and the types of tasks to be performed by the members.

“(g) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).”.

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (c) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

“374a. Assignment of members to assist border patrol and control”.

The Acting CHAIRMAN. Pursuant to House Resolution 811, the gentleman from Virginia (Mr. GOODE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

□ 1345

Mr. GOODE. This is an amendment that we have addressed in the past. This amendment would authorize but not mandate the Secretary of the Department of Homeland Security, working with the Secretary of the Department of Defense, to utilize troops, if necessary, to protect our borders in peace time in a nonemergency situation.

The gentleman from Texas, who had a long and distinguished career with the Border Patrol, indicates that we don't need troops on the border now. I would certainly say that the massive invasion from Mexico into this country on a daily basis that reaches thousands upon thousands in numbers day after day and month after month and year after year, we need something. And just having this authority, in my opinion, would enhance our border security so that it could be utilized in peace time in a nonemergency situation to supplement the Border Patrol and other efforts to secure our borders.

I reserve the balance of my time.

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

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

Mr. REYES. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, this is the amendment that I rise in opposition to that I was talking about in the previous conversation. Every year we debate this issue, irrespective of the cooperation that is ongoing, has been ongoing for many, many years from the Department of Defense, that provides technical expertise, that provides construction support, that provides technical support, that provides, even on a limited basis, operational specialized support on that border.

The reality of this amendment is that it is very expensive. It provides authority to the Department of Defense that already exists with the President of the United States should an emergency come up or an emergency exist. It is a bad idea because we need trained, experienced professionals on that border. That border is way too dangerous for us to be sending troops that are trained primarily for combat into a law enforcement situation, understanding that that capability is in reserve, because the President of the United States has that authority.

So I would hope that we would stop bringing these kinds of amendments, because they really are not useful and are counterproductive to our enforcement presence on the border.

I reserve the balance of my time.

Mr. GOODE. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I appreciate the difference of opinion in the people's House. I listened with great interest to my friend from Texas. Indeed, when this question was before the House on prior occasions, at least a couple of times in my time in this Congress, I sided with my friend from Texas.

And yet, we have been overtaken by current events and a literal admonition from the Constitution of the United States, article IV, section 4: "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion."

Mr. Chairman, my colleagues, regrettably, in my home State of Arizona, especially along the width and breadth of our southern border, our Nation is being invaded. And not only is it those coming to our country illegally seeking work, the sad fact is, according to the Department of Homeland Security, in the year 2004, 650 people from nations of a "national security interest" to the United States, in other words, enemies of this Nation, at least 650, crossed the border illegally.

It has been documented in my State that nightly between 6,000 and 6,500 attempt to gain illegal access to the

United States of America. Some within that group are people who intend our Nation harm.

People say we are in a nonemergency situation. Mr. Chairman, my colleagues, I say quite the opposite is true. I say, and I believe Members of this House and the American Nation as a whole understand, that in many areas, our borders, sectors of our borders, have essentially devolved into de facto war zones.

"Yes" to this amendment. "Yes" to dealing with this emergency. "Yes" to our military on the border. "Yes" to stopping this invasion.

Mr. REYES. Mr. Chairman, I yield 1 minute to my friend and former sheriff, who represents a border district, Congressman ORTIZ.

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

Mr. ORTIZ. Mr. Chairman, this is very simple. The Department of Defense says, Goode amendment, we don't need it.

Under present law, the Homeland Security Secretary can call the Secretary of Defense and state that, you know, he needs troops. It is very, very simple because under existing law, it says he can request of the Secretary of Defense assistance from the Armed Forces.

In fact, in 2002, the Secretary of Defense authorized such support on a reimbursable basis to organizations formerly components of the Department of Justice and Department of the Treasury and currently components of the Department of Homeland Security. So why do we want something else that we don't need?

Not only that, do you know that they will have to spend more money that the Department of Defense doesn't have to train?

Oppose this amendment, and when we come to the wall I would just hate for one day for the President of Mexico to come down and say, Mr. President, tear down this wall.

Our servicemen/women are spread too thin. This is never a good idea, but certainly not in a time of war . . . to put soldiers in a new, civilian role . . . which has previously resulted in accidental deaths.

This damages our readiness.

I have been a law enforcement officer, and served in the Army. We are talking about two vastly different things—protecting the borders—and using the military in law enforcement.

This new war includes a host of fronts, including law enforcement for domestic interests related to terrorists who try to cross our borders.

I've led efforts for more border security: our investment should be in Border Patrol officers and detention beds to hold the OTMs—Other Than Mexicans—we now routinely release into the general population.

Even if we caught every single illegal immigrant crossing our border, we would still have no place to hold them, and we would be forced to release them—as we are doing now.

We should be focused on the need for professional law enforcement officers/intelligence

associated with knowing who is coming across our borders . . . and providing funds to hold them.

Mr. GOODE. Mr. Chairman, I yield myself 30 seconds.

In response to what the gentleman from Texas was saying, we are talking about the authorization for troops to be on the border in nonemergency situations. If you allow troops on the border in nonemergency situations, you will see lawsuits, litigations and potential for liability for anything that happens along the border involving those troops.

We need to secure America and authorize troops in peace time in non-emergency situations along the border.

Mr. REYES. Mr. Chairman, it is now my pleasure to yield 1 minute to my colleague from Laredo, Congressman CUELLAR, also representing a border district.

Mr. CUELLAR. Mr. Chairman, I respectfully disagree with Mr. GOODE. I understand why he wants to protect the border, but being from the border, I understand that the military already provides technical support, construction of roads, clearing of brush; but they do have a very different mission from the Border Patrol.

What we need to do is keep in mind that the Border Patrol's mission is to enforce immigration law. What we need is a smart, tough, border security policy, not the military, and certainly not a wall, but more technology and more Border Patrol agents.

Being from the border, I understand what we need to work on, and I would ask the House to please consider the Members from the border that do live there and live there on a daily basis.

Mr. GOODE. Mr. Chair, I yield myself the remaining time.

There can be no question that in this country, at this time, we have a huge problem along the southern border. As the Congressman from Arizona indicated, we are being massively invaded every day by hundreds and thousands of persons. Drug smugglers are among this number. Persons from terrorist countries are among this number. We need to use every tool we possibly can to address this situation. We need to authorize troops on the border in peace time, and we need some rough and tough people down there to get this situation straight because it is certainly not straight today.

Stand up for preserving the integrity of the United States of America and vote "yes" for troops on the border.

Mr. REYES. Mr. Chairman, it is very clear, every year we come to the floor and we talk tough about putting troops on the border. It is expensive. The Department of Defense already has that authority. The President can direct it at any time based on whatever situation he is made aware of.

One of the things that I would like to tell my colleagues is that we are often here talking about issues and about problems and providing solutions. One of the things, an observation that I will



make about us is that oftentimes we are very hypocritical about the things that we say versus the things that we do in the people's House.

In 1986, we passed employer sanctions to address the pull factor in the issue of illegal immigration and immigration reform. This Congress failed to fund employer sanctions, failed to fund the very vehicle that would have addressed the pull factor.

For the last 10 years that I have been in Congress, we have been debating troops on the border. I would say to my good friend from West Virginia, my good friend from Arizona, my good friend from California, if we are interested in controlling the border, if we are truly interested in doing a good job for the American people, then let's fund employer sanctions. And short of that, let's fund H.R. 98, which gives us a fraud-proof Social Security card and a system where employers would be accountable. You would eliminate the pull factor. We wouldn't need to have this useless debate on troops on the border.

Vote "no" on the Goode amendment.

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

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

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

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

AMENDMENT NO. 15 OFFERED BY MS.  
MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. 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. 15 printed in House Report No. 109-461 offered by Ms. MILLENDER-MCDONALD:

At the end of title X (page 393, after line 23), insert the following new section:

**SEC. \_\_\_\_ . DETERMINATION OF DEPARTMENT OF DEFENSE INTRATHEATER AND INTERTHEATER AIRLIFT AND SEALIFT MOBILITY REQUIREMENTS.**

(a) DETERMINATION OF REQUIREMENTS.—The Secretary of Defense, as part of the 2006 Mobility Capabilities Study, shall determine Department of Defense mobility requirements as follows:

(1) The Secretary shall determine intratheater and intertheater airlift mobility requirements and intratheater and intertheater sealift mobility requirements (all stated in terms of million ton miles per day) for executing each scenario that was modeled in the 2005 Mobility Capabilities Study and each scenario that is modeled in the 2006 Mobility Capabilities Study.

(2) The Secretary shall determine intratheater and intertheater airlift mobility requirements and intratheater and intertheater sealift mobility requirements (all stated in terms of million ton miles per day) for executing the National Military Strategy with a low acceptable level of risk, with a

medium acceptable level of risk, and with a high acceptable level of risk, for each of the following:

- (A) Major combat operations.
- (B) The Global War on Terrorism.
- (C) Baseline security posture operations.
- (D) Homeland defense and civil support operations.
- (E) Special operations missions.
- (F) Global strike missions.
- (G) Strategic nuclear missions.

(b) REPORT.—Not later than February 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report providing the mobility requirements determined pursuant to subsection (a). The report shall set forth each mobility requirement specified in paragraph (1) or (2) of that subsection.

(c) MOBILITY CAPABILITIES STUDIES.—For purposes of this section:

(1) The term "2006 Mobility Capabilities Study" means the studies conducted by the Secretary of Defense and the Joint Staff during 2006 as a follow-on to the 2005 Mobility Capabilities Study.

(2) The term "2005 Mobility Capabilities Study" means the comprehensive Mobility Capabilities Study completed in December 2005 and conducted through the Office of Program Analysis and Evaluation of the Department of Defense to assess mobility needs for all aspects of the National Defense Strategy.

The Acting CHAIRMAN. Pursuant to House Resolution 811, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today to ask support of my colleagues for this amendment that I am offering which calls for the Secretary of Defense to include as part of the 2006 update of the Mobility Capability study, a comprehensive analysis of future air lift and sea lift mobility requirements.

This study would examine both the strategic and intratheater mobility requirements with full consideration of all aspects of the national security strategy, and will analyze low, medium, and high risk alternatives.

The new analysis will be delivered to Congress by February 4, 2007.

One would ask why this study is important. There has not been a study that examines our Nation's air lift requirements since prior to 9/11.

□ 1400

Contrary to past mobility studies, the most recent study analyzed only the capabilities of the current programmed airlift fleet, but it did not analyze the Nation's airlift requirements. There is a big difference between studying capabilities and studying requirements when prescribing future airlift force level recommendations.

DOD's definition of a military requirement is an established need justifying the timely allocations of resources to achieve a capability to accomplish approved military objectives, missions or tasks, all called operational requirements. Now translated into layman's terms, this means one cannot effectively allocate resources to

achieve a given capability, in this case airlift resources, without first knowing what the requirement is.

In 2001, our airlift fleet requirements were at 54.5 million ton-miles per day. The question that this study asks and seeks to have answered is, what is the quantitative yardstick that describes the required airlift needs. Is 54.5 million ton-miles per day enough airlift? Do we need more? The mobility capability study alone does not give us this needed information.

As we are all aware, there have been significantly more requirements pressed upon our airlift fleet over the past 5 years. The world we live in has changed a great deal. For example, we know our Nation has been attacked by terrorists. We are engaged in an ongoing global war on terrorism. Hurricane Katrina had ravaged the gulf coast region, and we have repeatedly been summoned to help with global humanitarian efforts, particularly natural disasters such as the tsunami and earthquakes. All of these occurrences have called upon our Nation's airlift resources.

Furthermore, what concerns me the most is that there does not appear to be a comprehensive approach to addressing our Nation's future airlift demands.

Last February, the Pentagon released the Quadrennial Defense Review, QDR, the 20-year blueprint of our Defense Department needs and projections. Specifically, the QDR recommended the ability to swiftly defeat two adversaries in overlapping military campaigns with the option of overthrowing a hostile government in one.

However, in the 2001 strategy, the U.S. military was to be capable of conducting operations in four regions abroad, Europe, the Middle East, the Asian littoral and Northeast Asia. But the new plan states that the past 4 years demonstrated the need for U.S. forces to operate around the globe and not only in these four regions.

Whatever that scenario is, Mr. Chairman, clearly we need more air cargo planes, and we know this by experience too. Take the C-17, an air cargo plane, for example. This air cargo plane is being flown over 167 percent over the normal hours scheduled to deliver supplies to the war theaters where most planes cannot land, as well as the many humanitarian missions in which our country is engaged.

Since 9/11/01, the C-17 has flown 59 percent or about 358,000 additional miles more than was originally scheduled. The C-17 has been on the front line of the war in Iraq and Afghanistan. Eighty percent of our airlift missions in these battlefronts are done by the C-17.

Finally, Mr. Chairman, after only 15 years in commission, the C-17 fleet just recently reached its 1 millionth flying hour. The C-17, though, is just one example, but it is an excellent one and an excellent example of how much our Nation is relying on our airlift fleet.

This study will provide a basis for determining the future of our Nation's airlift fleet. This is about providing our military with the tools to succeed, and it is about fiscal responsibility, and most importantly, it is about national security.

I ask my colleagues to support this important amendment.

I reserve the balance of my time.

Mr. SAXTON. Mr. Chairman, I rise to claim time in opposition to the amendment, even though I am not in opposition to the amendment.

The Acting CHAIRMAN (Mr. BONILLA). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SAXTON. Mr. Chairman, I rise in strong support of the amendment of the gentlewoman from California, and I commend her for her thoughtfulness for bringing this matter to the House in the form of an amendment.

This amendment will allow proper congressional oversight for the mobility system to ensure that our Nation's future force structure and capabilities will be able to meet the well-defined requirements that certainly exist, existed prior to September 11, 2001, and certainly exist to an even greater extent today.

Over the past few months, there have been significant changes in the Department of the Air Force's position on the necessity of purchasing additional C-17 aircraft beyond the currently contracted 180. Senior leaders of the Department of Defense have stated requirements ranging from 187 to more than 222 C-17 aircraft in the fleet.

However, the last comprehensive analysis of mobility requirements was released 5 years ago, prior to 9/11, when the global war on terror had commenced.

The underlying bill, H.R. 5122, includes provisions to authorize funding for an additional three C-17 aircraft, allow for the retirement of the 1960s vintage C-5A fleet, that has rarely lived up to its operational expectations, and set a minimum floor of 299 for strategic airlift aircraft, which is a necessity and a necessary first step in meeting our Nation's growing airlift requirements.

This amendment, directing the mobility requirements study, will enhance our ability to identify the correct future actions needed to support our Nation's airlift missions capability.

Therefore, Mr. Chairman, I fully support this amendment, and I urge all of my colleagues to do the same.

I would yield to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding me time.

I certainly want to support the gentlewoman's amendment also. Representative MILLENDER-MCDONALD's amendment is certainly one on which we should all agree. This is something that needs to be clearly defined and stated, that airlift and sealift require-

ments to ensure our Nation's future mobility force structure capabilities are able to meet future needs.

In this war, 70 percent of the cargo missions have been flown by C-17s. That is a 60 percent increase over the military's own prewar anticipated usage of the plane. In addition to military uses, C-17s have been used in humanitarian efforts to bring food and supplies to victims of Hurricane Katrina and to the Far East disasters there last year.

Senior leaders at the DOD can't seem to find clearly the exact number of C-17s required. The Chief of Staff of the Air Force states 187 TRANSCOM and Air Mobility Commander stated 200 C-17s are required. The former TRANSCOM commander, General Handy, whom I respect immensely, stated that 225 C-17s are required.

In addition to senior leaders of DOD, the Defense Science Board, in a report dated September 2005, raised concerns about the adequacy of the Pentagon's organic and strategic sealift and aerial tankers.

Therefore, I support this amendment so we can get on to fulfill our congressional oversight responsibility and ensure that our mobility system adequately supports current and future force structure requirements.

Mr. SAXTON. I reserve the balance of my time.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I just want to say that this comprehensive analysis is critically needed for our military might, for our strength in doing those things that are asked of us with the airlift cargo; and it is not only fiscally responsible, but it is national security.

I ask support for the amendment.

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

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

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-MCDONALD).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GOHMERT

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report 109-461 offered by Mr. GOHMERT:

At the end of subtitle D of title XXVIII (page 504, after line 7), add the following new section:

**SEC. 2844. SENSE OF CONGRESS REGARDING LAND CONVEYANCE INVOLVING ARMY RESERVE CENTER, MARSHALL, TEXAS.**

It is the sense of Congress that the Secretary of the Army should consider the feasibility of conveying the Army Reserve Center at 1209 Pinecrest Drive East in Marshall, Texas, to the Marshall-Harrison County Veterans Association for the purpose of assisting the efforts of the Association in erecting a veterans memorial, creating a park, and establishing a museum recognizing and hon-

oring the sacrifices and accomplishments of veterans of the Armed Forces.

The Acting CHAIRMAN. Pursuant to House Resolution 811, the gentleman from Texas (Mr. GOHMERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. GOHMERT. Mr. Chairman, this is a simple amendment that expresses simply a sense of Congress that the Secretary of the Army should consider conveying the U.S. Army Reserve Center in Marshall, Texas, to the Marshall-Harrison County Veterans Association for the purpose of erecting a veterans memorial, creating a park, and converting the present building to a veterans museum to recognize and honor the accomplishments of our Armed Forces.

I have received letters, phone calls and personal visits about such a project. Harrison County, back in the 1990s, had closed a huge Army facility. There were thousands of people that lost jobs, and now BRAC has recommended closing a reserve center there.

This is not trying to undo the BRAC process whatsoever. BRAC is already closing the reserve center. What this will do is allow them to transfer this.

We have a letter from the Army indicating this should be surplus, less than 3 acres. This will allow them to have a veterans museum, a veterans center, a place veterans can go, many of whom will never have the opportunity to come here to Washington, D.C., to see the museums and see the memorials. And it will give them a chance there in East Texas where there have already been so many jobs lost because of BRAC.

This is a bipartisan issue in the county. There are Democrats and Republicans both that are urging and pushing for this, and I was proud to go ahead and bring this amendment as a sense of Congress to urge that this is something that could be done. It will help the community in an area there in east Texas.

Recruiting is up, recruiting is going well, but it further emphasizes and will give an opportunity to emphasize the importance of valor, duty, honor, country.

I would like to thank Chairman HUNTER and his committee for their hard work on this bill that will undoubtedly benefit our Armed Forces. I would ask that this amendment also be added to the bill to assist those folks there in Harrison County.

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

Mr. ORTIZ. Mr. Chairman, I rise to claim the time in opposition to the amendment; however, I do not intend to vote against the amendment.

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

Mr. ORTIZ. I think this is a good amendment and we accept the amendment, Mr. Chairman.

I yield back the balance of my time.

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

The amendment was agreed to.

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

Mr. Chairman, I have a colloquy with the gentlewoman from Colorado (Mrs. MUSGRAVE). I would yield to the gentlewoman for purposes of the colloquy.

Mrs. MUSGRAVE. Mr. Chairman, I have recently become aware that the Army is considering expansion of the Pinon Canyon Maneuver Area in Colorado. I have two concerns about this expansion plan.

First, the Army hasn't been responsive to my questions about their plans. Second, I am troubled that the Army may use eminent domain or unfriendly condemnation to acquire property in that area.

You are probably aware that I offered an amendment for today's debate that would help the farmers and ranchers in my area get information about this and would limit the powers of eminent domain, but the Rules Committee did not make that amendment in order and we can't debate it.

But I would appreciate, Mr. Chairman, your assistance in getting information on this proposal by the Army.

□ 1415

I am very disappointed in the lack of response, and I hope the chairman can use the power of your committee to assist me and the rest of the Colorado delegation in this matter. Remarkably, when my office called the Army on this, they said it was "an academic discussion." Thus, they refused to provide any details at all.

Mr. Chairman, I would appreciate your thoughts on this matter.

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

Mrs. MUSGRAVE. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I appreciate the gentlewoman's concerns. First, I strongly believe that DOD should make every effort to acquire property through fair-market value purchases from willing sellers. The use of eminent domain or unfriendly condemnation should only be used as a measure of last resort in cases of compelling national security requirements.

So I would be very pleased to work with the gentlewoman as a representative of the farmers and ranchers surrounding Pinon Canyon to ensure that the Army does not use eminent domain before exhausting all other options.

Secondly, I would note that the defense bill before us today contains a provision that makes sure that Congress has oversight of DOD plans to use eminent domain, as its application is a matter of great concern to all of us.

Finally, I would be happy to work with the Colorado delegation to talk to the Army and ensure that they are very forthcoming in discussing plans

for the expansion of Pinon Canyon. Having a good relationship with our communities is an important obligation of the armed services, and they should certainly sit down with their elected representatives and discuss their plans and any issues that will concern the community.

I will be happy to help the gentlewoman on this issue.

Mrs. MUSGRAVE. Reclaiming my time, I thank the chairman for your commitment to work on this issue, and I look forward to working with you.

AMENDMENT NO. 9 OFFERED BY MS. HOOLEY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 printed in House Report 109-461 offered by Ms. HOOLEY:

At the end of subtitle C of title III (page 70, after line 16), add the following new section:

**SEC. 324. ARMY NATIONAL GUARD AUTHORITY TO CONTRACT AND MANAGE CH-47 HELICOPTER RESET.**

The Army and the National Guard Bureau are authorized to contract with a United States contractor to perform the RESET of the CH-47 helicopters assigned to the Nevada and Oregon National Guard in order to reduce the non-operational rate of their CH-47 fleet. Costs, completion time, and maintenance capabilities shall be the major considerations in the process used by the Army and National Guard Bureau in selecting the contractor to perform the RESET activity.

AMENDMENT NO. 9, AS MODIFIED, OFFERED BY MS. HOOLEY

Ms. HOOLEY. Mr. Chairman, I ask unanimous consent that my amendment be considered in accordance with this modification.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

The amendment as modified is as follows:

At the end of subtitle C of title III (page 70, after line 16), add the following new section:

**SEC. 324. REPORT ON CH-47 HELICOPTER RESET.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report that outlines the plan of the Army to reset all CH-47 aircraft in the active and reserve components. The Secretary shall include in the report a description of the plan, the timeline, and the costs for the reset of those aircraft.

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

The Acting CHAIRMAN. Without objection, the modification is accepted, and, without objection, the amendment is considered as read.

There was no objection.

The Acting CHAIRMAN. The gentlewoman from Oregon is recognized for 5 minutes.

Ms. HOOLEY. Mr. Chairman, I rise today in support of this amendment, which has the support of all of my colleagues in the Oregon delegation. Our amendment, as agreed to by the chairman and the ranking member, would require the Secretary of the Army to

supply Congress with a report no later than 60 days from the enactment of this act that outlines the Army's plan regarding the receipt of all CH-47 aircraft in the active and Reserve components.

I would like the record to reflect that it is my intent that this report should include a description of the Army's plan, timeline and the cost for the reset of those aircraft. I also believe that the Secretary should include the status of the current backlog and the options that currently exist to accelerate the reset program.

I want to thank Chairman HUNTER and Ranking Member SKELTON for working with us on this important issue to address our concerns. I look forward to working with them in the future to address the problems and obstacles that I anticipate will be identified in the Secretary's report regarding the reset program.

Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate my colleague permitting me to speak on this. As she indicated, this is a bipartisan amendment sponsored by the entire Oregon House delegation.

Our interest is making sure that the men and women in our armed services have access to the best possible equipment. Currently, the efforts that have been under way overseas and at home have put a great deal of stress and strain. We have had people in the Northwest explain to us opportunities that they think are available to both save money and to improve opportunities to make sure that the equipment is recycled, brought up to par as quickly and as efficiently as possible. I think having a report from the Secretary of the Army in this fashion will help spotlight this opportunity.

We are confident that we will see real opportunities to save money while we improve the equipment that our men and women are dealing with. I appreciate the cooperation both from the Oregon delegation and from the staff on the minority and the majority in helping move forward so we have got some good information. I express my appreciation to the Chair and to the ranking member.

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

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

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman and the gentlewoman for their contribution here, and just assure them we are very interested in making sure that this equipment, some of which has been wearing out pretty quickly in the desert sand in the warfighting theaters, is maintained in excellent condition, both with our great in-house resources and our depots and with the private sector, so we use all of our resources in the U.S. to make sure we have got good, sound platforms.

The committee has no objection to the amendment. We thank you for adding it to the base bill.

Mr. BLUMENAUER. Mr. Chairman, if the gentlewoman will yield further, to the extent any time is available, I appreciate the chairman's words and for emphasizing that we want to be able to take advantage of the resources where they are. Whether they are the folks we have right now in the armed services or the private sector, the goal is to do the best job possible with the resources. We appreciate your cooperation and your words of support.

Mr. DEFAZIO. Mr. Chairman, I just want to say a few words about a compromise amendment that my colleagues and I in the Oregon delegation negotiated with the leadership of the House Armed Services Committee.

Our amendment requires the Army to send a report to Congress within 60 days of enactment of this bill regarding the Chinook helicopter Reset program. The Reset program repairs and restores helicopters to their pre-combat deployment condition. The report requires the Army to explain its plan to reset all active duty and reserve component helicopters, including the timeline and cost for doing so.

The reason my colleagues and I offered our original amendment is because of a dangerous situation facing the Oregon National Guard. The Oregon National Guard is authorized to have six Chinook helicopters. One was destroyed on a mission. One is too old and will be turned in to the Pentagon. The other four need to go through reset after being deployed to combat zones.

Timely repairs and rehabilitation are essential to ensuring the Oregon National Guard has the equipment necessary for responding to public safety threats, including forest fires, as well as other state emergencies, homeland defense, and proficiency training.

Unfortunately, timely repairs are not happening today. Due to the influx of aircraft returning from overseas and in need of repair, the Army depots that generally perform this work are overstretched. As I understand it, the average time to get a helicopter repaired and returned to a unit is six months or longer.

I haven't seen the speech yet, but I've been told that Major General Pillsbury of the Army Materiel Command recently gave a speech at a conference lamenting how far behind the Army is on the Chinook RESET program.

According to a letter from the Army in March 2006, the Oregon National Guard will not get its helicopters back until November 2006. During the interim period, the Oregon National Guard will have to do without, which puts Oregon residents at-risk. That is not acceptable.

Congress, the Army and the National Guard Bureau must find a solution to this problem. One logical solution is for the Army to allow the Oregon National Guard to contract with a local private sector helicopter maintenance provider in order to help alleviate the backlog that would otherwise keep its Chinooks grounded for the next several months. One company in Oregon, Columbia Helicopters, believes it could get two Chinooks through the reset process by July, several months sooner than the Army. Such private sector involvement in the reset program is not unprecedented. Last year, the Army awarded Boeing a \$40 million-plus contract to refurbish Apache

helicopters under the reset program. And, Columbia Helicopters has already done this type of work for the Nevada National Guard, which had some discretionary money it spent on getting its helicopters repaired.

Letters in support of this public-private concept have been sent to the Army since February from myself, the Oregon National Guard, the Nevada National Guard, Governor Kulongoski of Oregon, Governor Kenny Guinn of Nevada, Senators SMITH, WYDEN, ENSIGN and REID, and Reps. HOOLEY, WU and WALDEN. Yet, the Army has not taken any action to expedite the reset of the Oregon helicopters.

Our amendment today puts the Army on notice that Congress is interested in this issue and is concerned about growing repair burden and backlog. Congress needs to ensure accountability by the Army for timely repairs. This amendment is a first step. I will continue to work with my colleagues in Oregon and on the committee to try to get the Army to step up and ensure the National Guard is adequately equipped and able to carry out its missions year-round.

Mr. WU. Mr. Chairman, I rise in support of the Hooley-Defazio-Wu-Blumenauer-Walden amendment to H.R. 5122, the Defense Authorization Act for FY2007. Our National Guard has been stretched to its limit these past few years, and without the timely return of equipment and aircraft to their home units, the Guard's mission is in jeopardy of being severely compromised. The Oregon Guard has performed outstandingly in the Middle East and I commend them for their courage and fortitude.

Equipment, especially aircraft, needs thorough and vigorous refurbishment when they arrive back from combat. Unfortunately, limited options and a sprawling procurement bureaucracy have created a backlog for equipment resets. By keeping the options limited, we are doing a disservice to the Guard by not returning their core assets in a timely manner.

I support this amendment because this issue cannot wait any longer and needs to be addressed now. Every day that the Guard has to wait for an aircraft is another day where they cannot perform their mission. The Guard is ready to do their duty, now we must be willing to fight for their needs. I am pleased to join my colleagues in the Oregon delegation in sponsoring this important measure.

Ms. HOOLEY. I yield back the balance of my time.

The Acting CHAIRMAN. Is there further debate or discussion on this amendment?

The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. MCDERMOTT

Mr. MCDERMOTT. 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. 13 printed in House Report 109-461 offered by Mr. MCDERMOTT:

At the end of subtitle B of title VII (page 268, after line 9), add the following new section:

**SEC. 716. STUDY OF HEALTH EFFECTS OF EXPOSURE TO DEPLETED URANIUM.**

(a) STUDY.—The Secretary of Defense, in consultation with the Secretary for Veterans Affairs and the Secretary of Health and Human Services, shall conduct a comprehensive study of the health effects of exposure to depleted uranium munitions on uranium-exposed soldiers and on children of uranium-exposed soldiers who were born after the exposure of the uranium-exposed soldiers to depleted uranium.

(b) URANIUM-EXPOSED SOLDIERS.—In this section, the term "uranium-exposed soldiers" means a member or former member of the Armed Forces who handled, came in contact with, or had the likelihood of contact with depleted uranium munitions while on active duty, including members and former members who—

(1) were exposed to smoke from fires resulting from the burning of vehicles containing depleted uranium munitions or fires at depots at which depleted uranium munitions were stored;

(2) worked within environments containing depleted uranium dust or residues from depleted uranium munitions;

(3) were within a structure or vehicle while it was struck by a depleted uranium munition;

(4) climbed on or entered equipment or structures struck by a depleted uranium munition; or

(5) were medical personnel who provided initial treatment to members of the Armed Forces described in paragraph (1), (2), (3), or (4).

The Acting CHAIRMAN. Pursuant to House Resolution 811, the gentleman from Washington (Mr. MCDERMOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. MCDERMOTT. Mr. Chairman, I rise to protect and defend the U.S. soldiers who protect and defend us. I urge the House to pass my amendment calling for a comprehensive study on possible health effects on soldiers from exposure to depleted uranium.

I am a medical doctor. Like every doctor, I took an oath to use all my knowledge and skill to heal the sick. I was trained to listen to the patient and to use science, not conjecture, to make a diagnosis. I have been listening to soldiers, and I am greatly troubled.

We need to do a study on the effects of depleted uranium. My amendment includes a comprehensive study of the effects on our soldiers from exposure to DU, and also includes the children of our soldiers born after exposure.

I recognize there have been a number of studies done on this exposure, but they do not answer all the questions. There has been no comprehensive study of cancer rates in relationship to DU exposure in gulf war veterans.

The VA has a volunteer medical DU follow-up program that has been tracking about 60 veterans who signed themselves up for the study. These veterans were all friendly fire victims who have DU imbedded in their body, and I am heartened that the VA has been keeping track of them. But 60 veterans is not enough to catch cancers that have a rate of one in 1,000. This sample is not large enough to be statistically reliable.

There are about 900 gulf war veterans who have had level one or level two exposure to DU. We should be studying all of them and keeping track of all their health. There has been no comprehensive study of the Gulf War Syndrome in relation to exposure to DU. No definitive cause has been established for Gulf War Syndrome.

Presently, between 150,000 and 200,000 soldiers who served in Gulf War I could have Gulf War Syndrome. We need to study the possible relationship between depleted uranium and Gulf War Syndrome. Any link between these two or other negative health effects has not been conclusively established or refuted.

I urge my colleagues on both sides to stand with me and protect and defend the soldiers whom we send out to protect and defend us.

For me, this is a personal, not a political, quest. My professional life turned from medicine to politics after my service in the United States Navy during the 1960s when I treated combat soldiers returning from Vietnam. Back then, the Pentagon denied that Agent Orange posed any threat to soldiers who were exposed. Decades later, the truth began to emerge. Agent Orange harmed our soldiers; it made thousands sick and some died.

During all those years of denial, we stood by and did nothing while our soldiers suffered, and for me there can be no more Agent Orange. We have to think of that in terms of this DU. If DU poses no danger, we need to prove it statistically and with independent, scientific studies. If DU harms our soldiers, we all need to know it and act quickly, as any doctor would, to use all of our power to heal the sick. We owe our soldiers a full measure of the truth, wherever that leads us.

Mr. Chairman, I urge my colleagues to pass this amendment.

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

The Acting CHAIRMAN. Is there a Member rising in opposition to the amendment?

Mr. EVERETT. Mr. Chairman, we do not oppose the amendment.

Mr. SHAYS. Mr. Chairman, I appreciate the consideration of this amendment, which I believe is very reasonable and will help ensure our government is taking proper steps to protect the health of our troops.

Like many heavy metals such as lead, depleted uranium is harmful when the resulting particles from a burned round are inhaled or ingested.

The use of these munitions, however, also provides a significant advantage to our soldiers because they have the speed, mass, and physical properties to penetrate exceptionally well against highly armored targets.

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

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

The amendment was agreed to.

AMENDMENT NO. 22 OFFERED BY MR. TIERNEY

Mr. TIERNEY. 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. 22 printed in House Report 109-461 offered by Mr. TIERNEY:

At the end of subtitle C of title II (page 50, after line 23), insert the following new section:

**SEC. 223. RESTRUCTURING OF MISSILE DEFENSE PROGRAMS.**

(a) DEPLOYMENT LIMITATIONS.—The Secretary of Defense may not deploy—

(1) any Ground-Based Midcourse Defense systems beyond the authorized systems at Fort Greeley, Alaska, and Vandenberg Air Force Base, California; or

(2) any space-based interceptors.

(b) BOOST-PHASE DEFENSES.—No funds available to the Department of Defense may be obligated for deployment of any boost-phase defense system.

(c) FUNDING REDUCTION AND PROGRAM TERMINATIONS.—The amount provided in section 201(4) for research, development, test, and evaluation for the Defense Agencies is reduced by \$4,747,000,000, to be derived from amounts for the Missile Defense Agency as follows:

(1) \$595,000,000 from termination of the Airborne Laser program.

(2) \$500,000,000 from termination of additional AEGIS Ballistic Missile Defense activities.

(3) \$286,000,000 from termination of the Kinetic Energy Interceptor program.

(4) \$360,000,000 from termination of the Space Surveillance and Tracking System.

(5) \$56,000,000 from termination of the European Site.

(6) \$2,500,000,000 from termination of Additional Ground-Based Midcourse Deployment.

(7) \$450,000,000 from reduction of programs designated as Other MDA RDT&E Activities.

The Acting CHAIRMAN. Pursuant to House Resolution 811, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I have an amendment that would adopt the recommendation of the Congressional Budget Office to restructure our missile defense programs, specifically, the Ground-based Midcourse Defense System. The amendment would instruct the Secretary of Defense not to deploy any Ground-based Midcourse Defense System beyond the authorized systems that are now at Fort Greeley, Alaska and, the Vandenberg Air Force Base in California or any space-based interceptors of intercontinental ballistic missiles.

It would reduce funding for the research, development, test and evaluation for the defense agencies by \$4,747,000,000.

Under the Congressional Budget Office's "evolutionary alternative," the Department of Defense would fund the capabilities planned for the Ground-based Midcourse Defense System through 2007.

□ 1430

Money would continue to be provided to pursue upgrades to the elements of

the ground-based missile defense initial defense capability, would continue testing its components and would explore other missile defense concepts.

But the savings on the midcourse missile defense under the Congressional Budget Office alternative would total \$29 billion on a Department of Defense-wide basis through 2007.

I commend to my colleagues no less than seven reports released in the last 2 months critical of various aspects of the ballistic missile system, and I will introduce copies for the RECORD. Two of them are from the General Accountability Office, two from the Department of Defense's own Inspector General's Office, one from the Congressional Research Office, one from the Congressional Budget Office and one from the Pentagon's own Director of Operational Test and Evaluation.

All of them raise doubts about the feasibility of missile defense. And as a group they offer a damning indictment of the missile defense system that supposedly, but not actually offers the United States an initial defense capability.

The Center for Defense Information states in its analysis, changes are imperative. If the Missile Defense Agency continues in the same vein it has been, the United States will see itself saddled with a missile defense system that costs tens of billions, possibly hundreds of billions of dollars, yet provides no actual defense.

What is more, by diverting that money to an unfeasible system, the United States will miss out on the protection it could be getting from weapons systems that actually work.

Mr. Chairman, the moneys are important, of course, but having a false sense of security is dangerous. And not investing these moneys in needed security systems, systems to protect our space and domestic assets and for homeland security risk is criminally negligent.

The General Accountability reports note that if the Pentagon does not move away from its spiral development or acquisition policy where a system's progress is never held to any sort of accountability, has no defined parameters, the Department of Defense will continue to start more programs for more money and create the next set of case studies for future defense reform reviews.

Fielding systems that still are in early developmental cycles, rushing them into the field where they have very serious problems with every component, that is a recipe for disaster. Immature technologies are not perfected, integration of the systems is not happening, testing in real-life scenarios is lacking, information assurance controls that were built to the network are sadly out of date.

This report shows poor quality control, unreasonable, in fact outrageous, cost growth, and schedule slips and inferior performance.

AN "F" FOR MISSILE DEFENSE: HOW SEVEN GOVERNMENT REPORTS IN TWO MONTHS ILLUSTRATE THE NEED FOR MISSILE DEFENSE TO CHANGE ITS WAYS

(By Victoria Samson, CDI Research Analyst)

A certain amount of optimism is required to successfully guide a weapon system through its development to completion. However, at a certain point, reality needs to poke through so that program and service officials can make relatively objective assessments. Is it working? Is it going to work? Is it staying on budget and schedule? If not, can it get back on track? And finally, the most difficult question to ask of a program: Should it continue?

The multi-faceted missile defense program, currently the Pentagon's golden child, has effectively avoided any and all tough questions. Over \$92 billion has been spent on missile defense systems since the Ronald Reagan administration, to little avail. While the architecture still has not been finalized, the Missile Defense Agency (MDA) envisions a system of systems, where there are ground-, sea-, and air-based interceptors supported by a yet-to-be-built satellite system, new X-band radars that are still being put in place, and a command and control system that is not secure to outside interference.

President George W. Bush announced in December 2002 that, within two years, the United States would have deployed an initial missile defense system that could defend the United States against a limited ICBM attack. With that pressure from above, MDA focused its efforts on the fielding interceptors in Alaska and California the Ground-based Midcourse Defense (GMD) system. As of writing, 13 interceptors have been emplaced in missile silos. As well, MDA is working on a sea-based interceptor that is carried on the Aegis ship, a sea-based X-band radar that is slowly floating to its home port in Alaska, a giant command and control module based out of Colorado, a satellite network that could track enemy missiles as they approach the U.S. homeland, and systems that are geared toward providing defense against shorter-range ballistic missiles (Theater High Altitude Area Defense system, or THAAD, and the Patriot Advanced Capability PAC-3 system). In the long run, MDA is building a modified Boeing 747 airplane that would carry lasers in its nose and kinetic kill vehicles which theoretically could obliterate multiple targets.

MDA has been entrusted with a great deal of responsibility. It has not lived up to its tasks. In the past two months, no less than seven reports have been released that were critical of various aspects of the Ballistic Missile Defense System (BMDS). For clarity's sake, this analysis will focus largely on MDA's flagship program, the GMD system, whose existence is used to falsely claim that the United States has an initial defensive capability against ICBMs. And to head off allegations of bias, it must be noted that these reports were written by non-partisan government agencies. Two reports by the Government Accountability Office (GAO), two from the Defense Department (DOD)'s own Inspector General's office, and reports by the Congressional Research Service (CRS), Congressional Budgetary Office (CBO), and the Pentagon's Director, Operational Test & Evaluation (DOT&E) all raise doubts about the feasibility of missile defense. As a group, they offer a damning indictment of the missile defense system that supposedly offers the United States an initial defensive capability.

OVERSHOOTING COST GOALS, FALLING SHORT OF PLANNED ACHIEVEMENTS

Missile defense programs have featured prominently in two recent reports by the GAO. The first, "Assessment of Selected

Major Weapons Programs," examines the cost growth of many Pentagon weapon systems. It notes, "DOD often exceeds development cost estimates by approximately 30 to 40 percent and experiences cuts in planned quantities, missed deadlines, and performance shortfalls." The GAO points out, "Programs consistently move forward with unrealistic cost and schedule estimates, use immature technologies in launching product development, and fail to solidify design and manufacturing processes at appropriate points in development." The missile defense system prides itself on its "spiral development" or acquisition policy that is constantly evolving, under which a system's progress is never held to strictly defined parameters.

"Programs consistently move forward with unrealistic cost and schedule estimates, use immature technologies in launching product development, and fail to solidify design and manufacturing processes at appropriate points in development."

The GAO takes this type of acquisition policy to task. In fact, David Walker, comptroller-general of the United States, warns that if the Pentagon doesn't move away from it, DOD "will continue to start more programs than it can finish, produce less capability for more money, and create the next set of case studies for future defense reform reviews."

The Missile Defense Agency (MDA) has argued that the missile defense program needs the flexibility of spiral development to allow it to mold itself to future threats and to incorporate lessons learned while testing. Why other Pentagon programs somehow manage to hold themselves accountable and still meet evolving threats is never discussed by MDA officials. Instead, MDA promotes the idea that all possible missile defense candidate technologies will be put through their paces, and eventually testing will prove the winners and losers. Again, MDA has never stated at which point it will definitively decide to drop a flagging program. The closest it has come is in giving one of its programs (Airborne Laser) what it calls "knowledge parameters," in an attempt to prove to critics that, despite outward appearances, there is indeed progress toward development.

Another key part of spiral development is that weapon systems will be fielded when they are still early in their development cycles. The intent is that they can continue to grow and presumably advance while providing some sort of military utility. What ends up happening is that systems—the Ground-based Midcourse Defense (GMD) system most noticeably—are rushed out into the field even when there are very serious problems with their components... or indeed, are crucial elements to their architecture still lacking. For example, the GMD interceptor suffered a flight test failure in February 2005 due to poor quality control by its contractor for the arm that holds the missile up in its silo. In testimony to the Senate Armed Services Committee on April 4, 2006, Obering acknowledged this problem and stated that this component would be replaced on the interceptors that have already been fielded. Nonetheless, the \$40 million missile as originally designed continues to be built at a rate of one every two months or so.

The GAO notes that weapon systems development programs progress much better and keep costs lower if technology is allowed to mature before being brought into a developmental or initial operating system. GAO observes that program acquisition unit costs for programs with mature technologies increase by less than one percent over original cost estimates, while the program acquisition unit costs for programs with immature technologies increase by 27 percent over the first full estimate.

The report goes on to review various weapon systems to assess their level of technological maturity and cost growth.

The GMD system's "concurrent testing and fielding efforts may lead to additional design changes," warns the GAO, and the program's "prime contract could overrun its target cost by as much as \$1.5 billion. Boeing, GMD's prime contractor, has already overrun its budget by \$600 million as a result of quality control issues. As what seems to be the standard for missile defense, program officials differ from outsiders about the program: while program officials rate GMD's needed 10 technologies as mature, the GAO differs, stating that "four have not been demonstrated in an operational environment and we believe that they cannot be considered fully mature." And since the GAO's last assessment of GMD, the program's planned budget through fiscal year 2009 (FY 09) has risen by \$2.9 billion, or 11.2 percent.

GMD's cost growth is bad enough, but as it turns out, the United States is paying more and getting less than anticipated. In another GAO report, the title says it all: "Missile Defense Agency Fields Initial Capability but Falls Short of Original Goals." MDA's accelerated development of the GMD program in order to reach an initial capability by the end of 2004 caused the agency to run over that portion of its budget by \$1 billion. For FY 05, GMD contractors had exceeded anticipated costs by 25 percent. The GAO also took to task the forced reliance by MDA upon spiral development "[I]t allowed the GMD program to concurrently mature technology, complete design activities, and produce and field assets before end-to-end testing of the system—all at the expense of cost, quantity, and performance goals."

In addition, for the initial defensive capability stated as the goal of the rapid fielding of the overall missile defense network, MDA fell quite short of what it had hoped to have accomplished. "Compared to its original goals set in 2003, MDA fielded 10 fewer GMD interceptors than planned, two fewer radars, 11 fewer Aegis BMD missiles, and six fewer Aegis ships," lists the GAO report. The United States has officially fielded elements of the ballistic missile defense system architecture, but these are really token efforts. Even if the systems had proved themselves during testing and development—which they have not—and even if they had all their needed components at the ready—which they do not—this system would be a feeble shadow of what planners had hoped for.

Spiral development "allowed the GMD program to concurrently mature technology, complete design activities, and produce and field assets before end-to-end testing of the system—all at the expense of cost, quantity, and performance goals."

Another result of rushing the missile defense elements out into the field is that workmanship has been shoddy, at best. Poor quality control has been listed time and again as an explanation for cost growth, schedule slips, and inferior performance. The GAO report explains, "According to MDA's own audits, the interceptor's design requirements were unclear and sometimes incomplete, design changes were poorly controlled, and the interceptor's design resulted in uncertain reliability and service life." The GMD interceptor was not tested to ensure its parts could withstand the harsh environment in space—which could result in catastrophic failures after launch as the interceptors are supposed to impact their targets outside the Earth's atmosphere. Further, the failures of two recent flight tests—1FT-10 and 1FT-14—were due to poor quality control procedures. The development of some parts for the GMD interceptor has been so careless that, according to the GAO, the parts in question would

have to be replaced and thus “the interceptors will be removed from their silos.” Neither GAO nor MDA, has yet to explain at what cost such repairs will have to be made.

Unfortunately, cost growth, schedule slips, and faulty parts are not specific to missile defense programs. One can see that easily in every branch of the Pentagon. Where the missile defense program differs is in the extent of autonomy and decision-making freedom given to MDA officials managing the various pieces of the program. Given the pressure they were under from President George W. Bush’s December 2002 announcement that an initial capability would be in place by the end of 2004, managers decided that the development and fielding process required a speedier schedule to meet that deadline. As a result, the GAO recounts, “MDA officials told us that because the agency was directed to field a capability earlier than planned, it accepted additional risks.”

The agency was able to accelerate fielding because MDA officials have been given unprecedented liberties with acquisition planning and scheduling. They are further allowed to shift around funding from one program element to another as they see fit, under special rules set up by DOD. According to the GAO, “Compared with other DOD programs, MDA has greater latitude to make changes to the BMDS [Ballistic Missile Defense Program] program without seeking the approval of high-level acquisition executives outside the program.” Because of this flexibility, while MDA does inform Congress and DOD of funding rearrangements, accountability is practically nil; instead, its version of it has “thus become broadly applied as to mean delivering some capability within funding allocations.”

MDA is also free of requirements that all other major DOD acquisition programs must undertake in regards to establishing baseline estimates of cost, performance and schedule. If other programs slip in meeting those predetermined requirements, Pentagon and/or service managers must alert Congress. If any program sees cost growth up to a certain amount in one quarter, it is considered to have suffered a so-called Nunn-McCurdy breach, which means DOD must alert Congress of the problem. If the cost growth is over 25 percent in a single quarter, DOD then must overhaul and justify the offending program. The Ballistic Missile Defense System, however, is exempt from these requirements. MDA officials have much more flexible baselines for their programs. MDA can avoid having to report programs’ quarterly cost growth simply by changing cost goals and estimates. Also, MDA has the responsibility of deciding when it will alert Congress to schedule slips or cost growths, since “there are no criteria to identify which variations are significant enough to report. Instead, MDA’s Director, by statute, has the discretion to determine which variations will be reported.”

MDA officials do not have to hold themselves accountable to any particular standard or report if certain achievements have not been met. And Congress has, up to now, refrained from complaining about its lack of oversight over the \$10 billion dollar a year MDA budget.

Up to now, the only “achievements” reported by MDA have been the flight test failures. The MDA has even stopped announcing when it has replaced new interceptors at missile silos in Alaska and California. Ostensibly, this is because of operational security needs, but in actuality, it is more likely a move designed to avoid bad press as testing and deployment goes forward.

#### NETWORK SECURITY AND SYSTEMS ENGINEERING: FIGMENTS OF MDA’S IMAGINATION

The Pentagon Inspector General’s (IG) office came out with two reports this winter

that illustrate how every aspect of the Ballistic Missile Defense System has seen sloppy work indicative of low standards of oversight.

The first report reveals that the communications network linking the various radars, infrastructure, and elements of the GMD system, is extremely limited. The IG’s office noted that the security documents in place for the system “did not properly reflect current operations;” furthermore, MDA officials “had not fully implemented information assurance controls required to protect the integrity, availability, and confidentiality of the information in the [GMD] communications network.”

Because of this, “MDA officials may not be able to reduce the risk and extent of harm resulting from misuse or unauthorized access to or modification of information of the GCN [GMD Communications Network] and ensure the continuity of the system in the event of a disruption.” That is to say, network security is lacking. So now, in addition to worrying about whether the rudimentary system now deployed would launch and target threatening missiles effectively in the event of an emergency, planners have to head off the possibility that some bored teenager could hack into the system and disrupt it at a key moment.

A draft version of this report recommended, “MDA and contractor officials should immediately cease operation of the system.”

The security procedures for the GMD Communications Network were completely bungled, as the IG report indicates. For one, “[C]ontingency plans and system rules of behavior had not been prepared to assist users.” Group passwords were used to access the unencrypted communications system, even though individual passwords were required. Documentation for the unencrypted system had the encrypted system’s security concept (defined in the document as “a description of the GCN security requirements and the resources needed to meet those requirements”), while the encrypted system’s documentation didn’t contain any security concepts. Explains the IG’s office, “This oversight occurred because the encrypted equipment and the unencrypted equipment were developed by two separate contractors [respectively, Boeing and Northrop Grumman], who were not following a common set of procedures for preparing documentation.”

The few information assurance controls that were built for the network were sadly out of date. The network was created by program officials to conform to “Department of Defense Trusted Computer System Evaluation Criteria,” a document that is dated Dec. 26, 1985. This old set of criteria was used instead of a more recent set of required criteria, found in: “Missile Assurance Categories (MAC) Levels for Missile Defense Agency (MDA) Systems and Networks,” dated Aug. 20, 2004.

It would appear that network security was a low priority for MDA, as the Communication Network’s first information assurance officer wasn’t brought on board until June 2005, long after the system had been in development—indeed, after GMD had been declared to have reached an initial defensive capability. No one was in charge of making sure the contractors working on system had appropriate levels of security clearance or were fully aware of their responsibilities regarding network security.

The IG’s office was so alarmed at the absence of network security practices that a draft version of its report recommended that until fixes were in place, “MDA and contractor officials should immediately cease operation of the system.” While this recommendation did not make it into the final

draft, it signifies the gravity of MDA’s lack of planning.

An interesting coda to this report was how the Pentagon reacted once news of it hit the press. Federal Computer Weekly ran a story on it March 16, 2006. By the following Monday, the IG’s office had taken the relevant report off of its website, with only this as explanation: “The Missile Defense Agency requested that we remove this report from our web site pending a security review.” The report is now marked “For Official Use Only.”

Another report by the Pentagon’s IG office raised concerns about another aspect of how the overall BMDS system’s various components would function together. According to it, “The Missile Defense Agency had not completed a systems engineering plan or planned fully for system sustainment. Therefore, the Missile Defense Agency is at risk of not successfully developing an integrated ballistic missile defense system.” Systems engineering, the process of making sure a developing weapon system meets the capabilities required of it and ensuring it becomes operational, is a key in making certain that ideas on the drawing board end up in the final product. In a complicated architecture such as missile defense that has interceptors and control stations on the ground, in the air, and on the sea, involves numerous radar and satellite networks, and dips in and out of various Pentagon services and commands, systems engineering would be imperative to guarantee that the various elements would smoothly work together as planned.

Its failure to provide a systems engineering plan is partially due to the fact that MDA didn’t follow instructions. But, as seems to be often the case, the problem also can be traced to the order speeding up initial deployment. According to the IG office’s report, “Another cause was that MDA was tasked with designing a single integrated system from a group of preexisting acquisition programs and fielding a missile defense capability quickly. As a result, the BMDS ability to develop and integrate the elements into a system that meets U.S. requirements is at risk.” Furthermore, “because MDA was rushing to field an initial BMDS capability, it had not fully planned for system sustainment.” System sustainment is described in the document as “a support program that meets operational support performance requirements and sustains the system in the most cost-effective manner.” This conclusion is not surprising, as “cost-effective” and “missile defense” are rarely used in the same sentence.

“Missile Defense Agency is at risk of not successfully developing an integrated ballistic missile defense system.”

MDA also ducked creating a comprehensive Logistics Support Plan, as it should have and was legally obligated to do. According to the IG office’s report, instead, “each element is responsible for planning the following eight logistics-support-related areas: supply; equipment; packing, handling, storing, and transportation; facilities; computer resources; technical data; maintenance planning; and manpower and personnel. Sounds like a recipe for overlaps, gaps, and confusion.

#### FLAT LEARNING CURVE

While missile defense’s spiral development is a phenomenon of the Bush administration, the United States has been working for decades on the capabilities being sought. A recent CRS report pointed out that the kinetic energy kill vehicle for the GMD system has predecessors dating back to the administration of Ronald Reagan. While CRS typically strives not to come down on one side or another of the issue, the report does make some revealing statements. It sums, “The

data on the U.S. flight test effort to develop a national missile defense (NMD) system is mixed and ambiguous. There is no recognizable pattern to explain this record nor is there conclusive evidence of a learning curve over more than two decades of developmental testing."

With four long-range kinetic energy intercept efforts attempted since Reagan's 1983 "Star Wars" speech—Homing Overlay Experiment (HOE), Exoatmospheric Reentry Interceptor Subsystem (ERIS), NMD, and GMD—there should be some sort of body of knowledge being built about how these systems work that could be drawn upon as needed. The CRS report acknowledges that the systems under development at various times were different, but it reasons, "[T]hey were built on the limited successes of their predecessors."

"The data on the U.S. flight test effort to develop a national missile defense (NMD) system is mixed and ambiguous. There is no recognizable pattern to explain this record nor is there conclusive evidence of a learning curve over more than two decades of developmental testing."

Examining flight test intercept attempts since the 1980s for these long-range systems, the CRS dryly notes "the mostly unsuccessfully history of the effort." Additionally, it highlights the absence of "conclusive evidence of a learning curve, such as increased success over time relative to the first tests of the concept 20 years ago." Given that in the near past, flight testing has slowed down and suffered from a rash of quality control problems, it would seem that MDA definitely has not learned which processes would help aid the development of the GMD system. This is not to say that progress has not been made. However, with this administration's insistence on reinventing the wheel when it comes to major weapons acquisition strategies, there seems to be quite a lot of institutional knowledge regarding development that is being ignored.

CRS is unable to answer the two major questions about GMD. It terms the possibility of eventually developing a workable version of anything with that sort of capability as "ambiguous at this juncture." And it stoutly refuses to speculate as to whether GMD would work in an emergency, equivocating, "Currently, there is insufficient empirical data to support a clear answer."

#### ANOTHER GUARDED ASSESSMENT

Another report which is subtly skeptical about the reported initial defensive capability of the GMD system is the January 2006 DOT&E report. This most recent version of the annual assessment of the previous fiscal year's activities and achievements for various Pentagon weapon systems came out studiously cautious about the program.

Highlighting GMD's flight test failures, when the interceptor rocket failed to leave the launch pad in both cases, the DOT&E report still inexplicably claims, "Developmental testing to date indicates that the GMD system may have some inherent defensive capability against a limited missile attack." But this is a downgrade from the previous year's assessment of GMD, which had said it "should have some limited capability."

"Flight tests still lack operational realism. This will remain the case over the next year."

At any rate, the DOT&E report does support other critiques of GMD. It explains the flight test failures as a result of "Quality, workmanship, and inadequate ground testing." Across the board, GMD quality control has been appalling, a turn of events that is surprising given the political spotlight shining on the system. Whether this deficiency

in quality control is primarily the result of the insufficient oversight or a natural by-product of fast-forwarded fielding is hard to determine. Either way, it is an area that should require the immediate attention of MDA leadership and program managers.

The DOT&E report echoes claims made by many critics in warning, "Flight tests still lack operational realism. This will remain the case over the next year." Moreover, "Robust testing is limited by the immaturity of some components." This can all be interpreted as dubiousness about GMD's flight test program and assertions that the interceptors' effectiveness in defending the United States against missile attack can be extrapolated from the meager successes it has achieved to date. As the DOT&E report comments, "The lack of flight test validation data for the simulations that support the ground testing limits confidence in assessments of defensive capabilities." Modeling and simulation can only do so much; after a certain point, actual flight tests must be held to determine the reliability of the GMD system. Such tests also must include scenarios that mimic the real-world situations in which the GMD system could conceivably be used. Otherwise, it will continue to be impossible to judge the potential effectiveness of GMD as it is now being developed.

The consistent delays of scheduled tests (or cancellation of them, as was the case when MDA was rushing to meet the 2004 initial deployment deadline) means that chances to learn about the GMD system are being missed. Each \$100 million flight test truly is a valuable learning experience for all involved. The DOT&E report observes, "[O]ptimistic estimates for the development and integration of a GMD capability result in frequent 'fact-of-life' changes to the test schedules." Wishing for a capability cannot create one. Missile defense has long been distanced from reality and this would be a prime example of the result.

#### DOUBLING IN SEVEN YEARS

Looking to the future, expenditure on missile defense will double in seven years if the current rate is maintained. A recent CBO report examined spending on major weapon systems and offered transformational and evolutionary alternatives. The former would be options that "place more emphasis on acquiring the advanced weapons and capabilities that DOD associates with military transformation," while the latter would be a chance to "forgo those advanced systems and instead pursue upgrades to current capabilities."

"[I]f, however, costs grow as they have historically, pursuing the programs included in CBO's missile defense projection will cost an additional \$3 billion a year, on average, peaking at about \$19 billion in 2013."

Missile defense, given the tremendous size of its budget (over \$11 billion for missile defense-related programs in the FY 07 budget request), was one of the programs chosen for further scrutiny. The CBO had to guess as to the make-up of missile defense's eventual architecture, as missile defense has been excused from the normal Pentagon routine of having to establish clearly defined cost, growth, and performance parameters.

Even with this limitation, CBO prognosticates that missile defense expenditure will reach its crest of \$15 billion by 2013, after which it would slowly decline once the programs enter their operational stages. Yet the CBO admits it could be higher: "[I]f, however, costs grow as they have historically, pursuing the programs included in CBO's missile defense projection will cost an additional \$3 billion a year, on average, peaking at about \$19 billion in 2013."

This is not the only possibility for missile defense spending. The CBO's evolutionary al-

ternative consists of, "DOD would deploy no additional ground-, sea-, air-, or space-based missile defenses beyond those already in place. Continuing efforts would be confined solely to research and testing of missile defense concepts."

With all that objective government agencies have written about missile defense's frailties and weaknesses, redirecting the MDA's emphasis toward working with the technology that it has and ensuring that it works properly makes a dangerous amount of sense. But with the politicization of the program and the prominence given to showing some sort of capability in the field, it seems unlikely that this administration would take this sensible tack. However, it remains as a potent option that the next administration should keep in mind.

#### TAKING OFF THE ROSE-COLORED GLASSES

Throughout these reports, several common themes emerge. Unrealistic assumptions were made about the pace of missile defense development. In fact, the overarching policy of using spiral development seems to have backfired on MDA, as it slowed progress instead of quickening the pace of development.

The decision by the president to rush the GMD program's fielding created ripple effects that are still being discovered. It incited a rushed attitude, where contractors felt that quality control could be ignored just as long as the 2004 deadline was met. Accordingly, GMD has suffered a rush to failure that has put what would be a laughable system in the field . . . if there weren't policymakers who falsely believe that it can be depended upon to provide defense of the United States.

Another consequence of the heavy White House pressure is that MDA has been exempted of most reporting obligations. In theory, this was done to give MDA the freedom to explore every technological approach possible in the hopes that it would soon be able to whittle down choices to a manageable few. It has done the opposite. Programs fail to produce results, run over budget, and delay interminably—but are not killed. Yet because there was no baseline that MDA had to create for the programs, there is a great deal of difficulty in trying to measure what could be termed progress.

MDA's flexibility in accounting requirements has spilled over into how it holds itself accountable. Last year's flight test failures should have been a wake-up call to the agency. After the second test failure in a row, MDA halted GMD's flight test program while it held investigations. An independent review team was created to determine the cause of the failures and what practices would allow for a successful launch. It had five key recommendations for the GMD flight test program. According to the presentation given to Obering in March 2005, MDA should: "Establish a More Rigorous Flight Readiness Certification Process [with the subcategory of Make 'Test as you fly, fly as you test' the standard]; Strengthen Systems Engineering; "Perform additional ground-based qualification testing as a requirement for flight testing; "Hold contractor functional organizations accountable for supporting prime contract management; Assure that the GMD program is executable." While these are solid recommendations, the primary cause of the flight test failures—the rush to deploy—is played down.

A Mission Readiness Task Force was also created to review the preparation leading up to the GMD flight tests, and a Director of Mission Readiness was established. The first director was Adm. Kathleen Paige, who had been program director of the Aegis ballistic missile defense system. She retired in November 2005 and it is unclear as to whether she was replaced.



At any rate, MDA's operating mode, despite having created these task forces, has not in any real way changed.

What becomes apparent from reading these seven reports is that changes are imperative. If MDA continues in the same vein it has been, the United States will see itself saddled with a missile defense system that costs tens of billions, possibly hundreds of billions, of dollars, yet provides no actual defense. What's more, by diverting that money to an unfeasible system, the United States will miss out on the protection it could be getting from weapon systems that actually work. An honest assessment of the overall architecture is required before more time and funding is lost.

Mr. EVERETT. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment because it would have a great negative impact on national security by severely curtailing or terminating programs that protect our country against rogue nations.

Simply put, now is not the time to gut our missile defense programs by slashing the Missile Defense Agency's budget in half, given the threats posed by such countries as North Korea and Iran.

This amendment would freeze in place both ground-based and the Aegis midcourse defense capabilities prior to finishing what we started with the Fort Greeley, Alaska, GMD installation. We have had tremendous success with the Aegis program. Six of the seven last intercept tests have been hits. Why in the world would you stop this now?

In addition, this amendment would kill the Airborne Laser and Kinetic Energy Interceptor boost phase defense programs, just when both promises are approaching significant milestones in 2008.

General Cartwright, Commander of STRATCOM, has repeatedly told me how important it is to stay the course with the Airborne Laser Programs, whose directed energy capability is of a critical importance to the Department of Defense. This amendment would kill the ABL program after more than \$3 billion has been invested. It would be a tremendous waste of taxpayers' money not to go ahead and follow through with the ABL program to see how well it works.

The amendment cites the Congressional Budget Office report on long-term implications of current defense plans and alternatives. Let me repeat, "and alternatives." The evolutionary alternative in this CBO report is neither a recommendation nor an endorsement by CBO of cutting MDA programs. This report simply looked at the impact of future defense budgets, of alternative options to meet hypothetical, hypothetical spending targets. The CBO, and this was confirmed this today by my staff, does not endorse or support this proposal. It was merely another option as part of funding a "what if" drill, an academic situation, if you will.

This amendment could drastically cut the budget of our missile defense. While we all understand the missile defense architecture is complicated and costly, long term, it is crucial in today's world if we will continue our primary national defense into the future.

There will never be a time to cut investments in our Nation's protection. That is what this does. I strongly encourage my colleagues to vote against this amendment.

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

Mr. TIERNEY. Mr. Chairman, I yield 2 minutes to the gentlemen from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, the Missile Defense Agency has before it really an impossible task. Our current missile system programs have not worked, and wishing will not help it to overcome the physics. The tests have failed repeatedly. It has been confused by decoys, faced numerous testing troubles, and despite spending over \$100 billion over the years, we have failed to develop a working system.

Mr. TIERNEY referred to the seven separate reports that are critical of various aspects of this program. Our amendment is not just pulled out of a hat, it focuses this program down to allow the Missile Defense Agency to work in those areas where it can make progress. The programs have gotten so far out in front of the basic facts that it is time to focus this down.

You know, our colleagues say they do not want to shortchange our national defense, but I can assure you that cutting wasteful programs does not shortchange our national defense. Seven separate reports by independent agencies here say that aspects of this program are wasteful. They simply are not working. It is time to focus it down.

You know, one of the craziest ideas I have ever heard is that we should deploy this missile defense system as a way to test it. I cannot think of any aspect of your life, any aspect of military preparedness, any aspect of business or industry where you work that way. It should be thoroughly tested before it is deployed. And to deploy something like this is worse than a waste.

To deploy a flawed system, well, simple strategic analysis tells us that a provocative yet permeable defense is destabilizing and weakens the security of all Americans.

The idea that we have sunk lots of cost is the argument that keeps coming back. That is one of the worst fallacies in human reasoning. We need to stop throwing good money after bad and focus this program down.

Mr. EVERETT. Mr. Chairman, before I yield to my friends on the other side, let me say that the gentleman is probably not aware of a missile which was deployed before it was finally finished, which the Israelis used.

Mr. Chairman, I yield 45 seconds to the gentleman from Texas (Mr. REYES) who is on the Intel Committee and also on the Strategic Forces Committee that handles missile defense.

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

Mr. REYES. I thank the gentlemen for yielding.

Mr. Chairman, I rise in opposition to this amendment in support of the committee's efforts to obtain effective and fully tested missile defense capabilities aimed at defeating real threats.

Today is not a time to be cutting funds from this critical program. I am particularly concerned about the restrictions the amendment would impose on the Aegis and THAAD theatre defense systems, because just this morning a THAAD interceptor was successfully launched against a simulated target.

Mr. Chairman, we cannot afford to slow down this important theater defense program. I urge my colleagues to support this committee's bipartisan approach and to defeat this amendment.

Mr. Chairman, I rise in opposition to the amendment and in support of the Committee's efforts to obtain effective, fully-tested missile defense capabilities aimed at defeating real threats.

H.R. 5122 redirects missile defense funding from longer range programs—such as the multiple kill vehicle—to near term needs, such as buying upgrades for the Patriot and Aegis interceptors that can protect our service members and allies today. It also places restrictions on developing improvements to the ground-based midcourse defense system until after it successfully intercepts two operationally realistic warheads, and it prevents any development of space-based interceptors.

While we might disagree about whether further adjustments or reductions are possible, I commend the subcommittee chairman for this good-faith effort to develop a bipartisan approach to missile defense.

The amendment before us today goes too far in radically restructuring missile defense programs. It would essentially freeze our missile defense capabilities at their current level and it would terminate numerous programs before we obtain useful information about whether they can improve our defenses against missiles launched by a rogue nation.

I am particularly concerned about the restrictions the amendment would impose on the Aegis and THAAD theatre defense systems. Just this morning a THAAD interceptor was successfully launched against a simulated target. We cannot afford to slow down this important theatre defense program.

I urge my colleagues to support the Committee's bipartisan approach and to defeat this amendment.

Mr. EVERETT. Mr. Chairman, let me now yield any time remaining to the gentleman from Alabama (Mr. CRAMER) who is also very knowledgeable about missile defense and also on the Intel Committee and the Appropriations Committee.

Mr. CRAMER. I thank my colleague from Alabama and also my colleague from Texas.

Mr. Chairman, I rise in strong opposition to the Tierney-Holt Amendment. I do so reluctantly, because I respect the two gentlemen, and we serve on the House Intelligence Committee together as well.

This amendment would reduce the Missile Defense Agency's \$9.38 billion roughly by half. And now is not the time to do that, to say the least. We have been involved in sensitive briefings lately on the Appropriations Committee and the House Intelligence Committee that talk about the threats that we have got to invest our technology in.

In 2005, there were 60 launches that involved short-range ballistic missiles, 10 involved medium- and intermediate-range missiles, and about 10 involved long-range ballistic missiles. We have already invested heavily in several key programs to defend against this threat, and the programs are just now providing the kind of technology that has got to be refined in order to defend us.

We have got sensitive intelligence issues, sensitive defense issues against this country. The negative impacts that this amendment now would have on the budget cuts would be drastic.

I urge my colleagues to oppose this amendment.

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

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

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

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

AMENDMENT NO. 10 OFFERED BY MR. HOSTETTTLER

Mr. HOSTETTTLER. 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. 10 printed in House Report 109-461 offered by Mr. HOSTETTTLER:

At the end of subtitle C of title V (page 126, after line 12), insert the following new section:

**SEC. . . . SPECIAL OPERATIONS FELLOWSHIPS.**

(a) FELLOWSHIPS.—The Secretary of Defense shall prescribe regulations under which the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict may award a fellowship to an eligible person, as described in subsection (b), in a discipline determined by the Assistant Secretary. The authority to award any amount of funds to any person as a fellowship under this section is subject to the availability of funds for that purpose.

(b) ELIGIBLE PERSON.—A person eligible for a fellowship under this section is a citizen or national of the United States who is enrolled in or is eligible to enroll in a program of education leading toward the completion of a masters degree or a doctoral degree.

(c) FELLOWSHIP REQUIREMENTS.—

(1) DOCTORAL DEGREE STUDENTS.—The recipient of a fellowship who is a student enrolled in a program of education leading toward the completion of a doctoral degree shall agree to prepare a doctoral dissertation in a subject area with military relevance that is approved by the Assistant Secretary.

(2) MASTERS DEGREE STUDENTS.—The recipient of a fellowship who is a student en-

rolled in a program of education leading toward the completion of a masters degree shall agree to concentrate the masters degree on a subject area with military relevance that is approved by the Assistant Secretary.

(d) REGULATIONS.—The regulations required to be prescribed under this section shall include each of the following:

(1) The criteria for the award of fellowships under this section.

(2) The procedure for selecting recipients of such fellowships.

(3) The basis for determining the amount a fellowship recipient will receive.

(4) The total amount that may be used to award fellowships during an academic year.

The Acting CHAIRMAN. Pursuant to House Resolution 811, the gentleman from Indiana (Mr. HOSTETTTLER) and a Member opposed each will control 5 minutes.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Before the Chair recognizes the gentleman from Indiana, the Chair would ask anyone with a cell phone in the Chamber to turn it off.

The Acting CHAIRMAN. The Chair recognizes the gentlemen from Indiana.

Mr. HOSTETTTLER. Mr. Chairman, Special Operations Forces have played an increasingly important role in our wars against nonstate actors. Therefore, I believe we need to encourage our Nation's best and brightest military scholars to focus on the scholarly research needs of our special operators.

Mr. Chairman, I believe this new fellowship program will nurture and cultivate the kind of academic scholarship that will help our special operators gain an even greater upper hand against our Nation's adversaries. We supply them with the best weapons in the world. We must, as well, see to it that they benefit from the research of some of our Nation's best scholars.

If enacted into law, my amendment would authorize the Secretary of Defense to prescribe regulations under which the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict will award a fellowship to an eligible person, as described in the legislation, in a discipline determined by the Assistant Secretary.

The authority to award any amount of funds to any person as a fellowship under this section is subject to the availability of funds for this purpose.

Mr. Chairman, I believe it is important that we give our men and women in uniform all of the tools necessary to fight and win our Nation's wars overwhelmingly. And one way to do that is to give them access to the best scholarship available in their respective fields.

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

Mr. ANDREWS. Mr. Chairman, I rise to claim the time in opposition, although I will not oppose the amendment.

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

There was no objection.

Mr. ANDREWS. In fact, I rise to support the amendment. The asymmetric

threats that are based by our country today require a complex set of skills to successfully address those threats. Certainly the men and women of our Special Forces possess many of those skills. They do a fabulous job.

And it is our job to try to assist them and facilitate them in their work. The gentleman from Indiana's amendment, I think, gives these American heroes one more tool, one more opportunity to excel.

Asymmetric warfare certainly involves the use of force and the use of strategy on the battlefield. But it also solves intimate knowledge of sociology, language, history, physics, and perhaps other disciplines that go well beyond that.

□ 1445

Our ranking member of the full committee, Mr. SKELTON, has been a leading voice for military education throughout his time here. We think this amendment is consistent with Mr. SKELTON's devotion to that principle.

We want our Special Forces men and women not simply to be physically prepared, technologically armed and equipped but to have the intellectual tools necessary to do their job and defend the country. We believe this amendment serves those values well. We are pleased to support it.

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

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

The amendment was agreed to.

AMENDMENTS EN BLOC OFFERED BY MR. HUNTER

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

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

Amendments en bloc offered by Mr. HUNTER printed in House Report 109-461 consisting of amendment No. 18; amendment No. 11; amendment No. 12; and amendment No. 14.

AMENDMENT NO. 18 OFFERED BY MS.

SCHAKOWSKY

The text of the amendment is as follows:

At the end of subtitle B of title VIII (page 295, after line 20), add the following new section:

**SEC. 815. OVERSIGHT AND ACCOUNTABILITY OF CONTRACTOR PERSONNEL.**

(a) REPORT AND REQUIREMENTS RELATING TO CONTRACTS TO BE PERFORMED IN IRAQ AND AFGHANISTAN.—

(1) INSPECTOR GENERAL REPORT.—Not later than March 1, 2007, the Inspector General of the Department of Defense shall submit to Congress a report on overcharges discovered by the Inspector General under contracts entered into by the Department for work to be performed in Iraq and Afghanistan.

(2) ASSIGNMENT OF SUFFICIENT CONTRACTING OFFICERS.—The Under Secretary of Defense for Acquisition, Logistics, and Technology shall ensure that sufficient contracting officers are assigned to oversee and monitor contracts entered into by the Department of Defense for work to be performed in Iraq and Afghanistan.

(b) REQUIREMENTS RELATING TO EMPLOYEES OF DEFENSE CONTRACTORS OPERATING OUTSIDE THE UNITED STATES.—

(1) **BACKGROUND CHECKS.**—The Secretary of Defense shall implement a policy for conducting comprehensive background checks on foreign nationals hired by contractors (and subcontractors at any tier) of the Department of Defense operating outside the United States. The type of background check included in such policy shall be suitable for employment screening and shall, at a minimum, include a determination of whether the potential employee is on a terrorist watch list or has a criminal record. The policy shall provide for completing such background checks as quickly as possible.

(2) **PROHIBITION ON HIRING CERTAIN EMPLOYEES.**—A contractor (or subcontractor at any tier) of the Department of Defense operating outside the United States may not hire any person—

(A) who has been convicted of a violent felony; or

(B) who is determined by the Secretary of Defense to have committed acts inconsistent with the policy of the Department of Defense on human rights.

(3) **REPORT AND APPLICABILITY OF DEFENSE INSTRUCTION RELATING TO CONTRACTOR PERSONNEL AUTHORIZED TO ACCOMPANY THE ARMED FORCES.**—

(1) **REPORT ON IMPLEMENTATION OF INSTRUCTION.**—The Secretary of Defense shall submit to Congress a report on the Department of Defense instruction described in paragraph (3). The report shall include information on the status of the implementation of the instruction, how the instruction is being enforced, and the effectiveness of the instruction.

(2) **REQUIREMENT TO APPLY TO CONTRACTS.**—The Department of Defense instruction described in paragraph (3) shall apply to—

(A) contracts entered into by the Department of Defense after the date of the enactment of this Act;

(B) task orders issued after the date of the enactment of this Act under contracts in existence on the date of enactment of this Act; and

(C) contracts in existence on the date of the enactment of this Act with respect to which an option to extend the contract is exercised after such date.

(3) **INSTRUCTION DESCRIBED.**—The instruction referred to in this subsection is Department of Defense Instruction Number 3020.14, titled “Contractor Personnel Authorized to Accompany the United States Armed Forces”.

AMENDMENT NO. 11 OFFERED BY MR. JINDAL

The text of the amendment is as follows:

At the end of title X (page 393, after line 23), add the following new section:

**SEC. 1041. DEPARTMENT OF DEFENSE OPERATIONAL PLANS FOR ARMED FORCES SUPPORT FOR CIVIL AUTHORITIES.**

The Secretary of Defense, in coordination with the Secretary of Homeland Security and State governments, shall develop detailed operational plans regarding the use of the Armed Forces to support activities of civil authorities, known as Defense Support to Civil Authorities missions. These plans shall specifically address response options to hurricanes, wildfires, earthquakes, pandemic, and other natural disasters.

AMENDMENT NO. 12 OFFERED BY MR. LEWIS OF KENTUCKY

The text of the amendment is as follows:

At the end of title VI (page 237, after line 8), add the following new section:

**SEC. 664. PHASED RECOVERY OF OVERPAYMENTS OF PAY MADE TO MEMBERS OF THE UNIFORMED SERVICES.**

(a) **PHASE RECOVERY REQUIRED; MAXIMUM MONTHLY INSTALLMENT.**—Subsection (c) of section 1007 of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(3) If the indebtedness of a member of the uniformed services to the United States is due to the overpayment of pay or allowances to the member through no fault of the member, the amount of the overpayment shall be recovered in monthly installments. The amount deducted from the pay of the member for a month to recover the overpayment amount may not exceed 20 percent of the member’s pay for that month.”.

(b) **RECOVERY DELAY FOR INJURED MEMBERS.**—Such subsection is further amended by inserting after paragraph (3), as added by subsection (a), the following new paragraph:

“(4) If a member of the uniformed services is injured or wounded under the circumstances described in section 310(a)(2)(C) of this title or, while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member’s pay until after the end of the 90-day period beginning on the date on which the member is notified of the overpayment.”.

(c) **CONFORMING AMENDMENTS.**—Such subsection is further amended—

(1) by inserting “(1)” before “Under regulations”;

(2) by striking “his pay” both places it appears and inserting “the member’s pay”;

(3) by striking “However, after” and inserting the following:

“(2) After”; and

(4) by inserting “by a member of the uniformed services” after “actually received”.

AMENDMENT NO. 14 OFFERED BY MR. MICA

The text of the amendment is as follows:

At the end of title VI (page 237, after line 8), insert the following new section:

**SEC. 6 . SENSE OF CONGRESS CALLING FOR PAYMENT TO WORLD WAR II VETERANS WHO SURVIVED BATAAN DEATH MARCH.**

(a) **IN GENERAL.**—It is the sense of Congress that—

(1) there should be paid to each living Bataan Death March survivor an amount that is \$4 for each day of captivity during World War II, compounded annually at a 3 percent annual rate of interest; and

(2) in the case of a Bataan Death March survivor who is deceased and who has an unremarried surviving spouse, such a payment should be made to that surviving spouse.

(b) **BATAAN DEATH MARCH SURVIVOR.**—In this section, the term “Bataan Death March survivor” means an individual who as a member of the Armed Forces during World War II was captured on the peninsula of Bataan or island of Corregidor in the territory of the Philippines by Japanese forces and participated in and survived the Bataan Death March.

The Acting CHAIRMAN. Pursuant to House Resolution 811, the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 10 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, in the Schakowsky amendment, the gentlewoman from Il-

linois provides for additional oversight and accountability of Department of Defense contractors deployed in Iraq and Afghanistan. It would make retroactive DOD regulations for contractors issued in October 2005 on previously issued contracts upon any extension brought about by an option.

It would implement a policy for conducting comprehensive background checks on foreign nationals hired by contractors operating outside of the U.S. and would also require a DOD Inspector General report on contractor overcharges and require that there are sufficient contracting officers assigned to oversee and monitor contracts in Iraq and Afghanistan.

The amendment offered by Mr. JINDAL would require the Secretary of Defense in coordination with the Secretary of Homeland Security and State governments to develop detailed operational plans regarding the use of the Armed Forces to support activities of civil authorities known as Defense Support to Civil Authorities Missions.

The amendment that is offered by Mr. LEWIS of Kentucky would provide that no more than 20 percent of a uniformed servicemember’s paycheck can be garnished in a single pay period to recover overpayments that have occurred through no fault of the servicemember. That was always my contention.

It would also provide a 90-day grace period before overpayment recovery can begin from servicemembers who are wounded or injured or who incur an illness in a combat operation or combat zone.

Finally, the Mica amendment offered by the gentleman from Florida expresses the sense of Congress that the Department of Defense should provide compensation to American veterans who are captured while in service to the United States Armed Forces on the peninsula of Bataan or the island of Corregidor, survived the Bataan Death March during World War II and have not received previous compensation provided to other prisoners of war.

I might just say about that amendment, Mr. Chairman, these great Americans came back and met with many of us over the last several years, these great survivors of the Bataan Death March. And many of them, according to their testimony, were taken by ship after the death march in which many of them were killed, bayoneted, decapitated, otherwise killed; they were taken to Japan and in many cases were turned over to Japanese industry, including companies that are corporate giants today like Matsui and Mitsubishi. And these Japanese corporations took the Americans as slaves from the Japanese Government. They turned them over to them as POWs. And they put them in slave labor operations, in many cases involving mines, for example, that were considered to be unsafe for Japanese workers. They would push the Americans into those mines.

I can recall some of the Americans testifying when they came back and met with us on the Hill about the brutality that took place. The time one of our great survivors of the Bataan Death March from California had a rock fall on him in a cave-in in this unsafe mine that they were working in as slaves to these corporations, and his leg was crushed by a rock. And an American doctor who was also a POW operated on that Bataan Death March survivor with a single rusty razor blade and the anesthetic was to have the biggest guy in the POW camp knock him out before they did the operation, and then they used maggots to clean the wound. And that great American was back here testifying a couple of years ago to the U.S. Congress.

Those POWs sought redress from the corporations which had used them as slaves in their operations saying we want to be paid for this work that we performed as slave labor. The corporations resisted this mightily in a series of lawsuits. And I thought it was sad that the U.S. Government intervened on the opposite side, on the other side from the American POWs, claiming that the treaty that was signed after the war essentially eliminated any rights on behalf of the POWs other than the one dollar a day that they received as compensation for their POW status.

So those great Americans did not win. They ultimately faced summary judgments in American courts and received no compensation from these massive corporations. In fact, some of the biggest corporations in the world which when they enslaved these Americans were not nationalized by the Japanese Government, but in fact remain private corporations and developed a lot of their operations or carried on a lot of their operations using American slave labor.

So the lawsuits were quashed and these Americans, those that still survive, never got any redress. So I would just say that Mr. MICA's amendment particularly struck a cord with this member of the Armed Services Committee, and I would recommend that all these amendments be supported.

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

Mr. SKELTON. Mr. Chairman, I yield 4 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I thank the gentleman for yielding me time. I want to begin by thanking Chairman HUNTER and Ranking Member SKELTON and their Armed Service Committee staffs for working with me to bring this amendment dealing with private military contractors to the floor. I really appreciate your help and that of your staff.

My amendment would provide for additional oversight and accountability of the Defense Department contractors deployed in Iraq and Afghanistan. Contractors compose the second largest force in Iraq after the U.S. military.

This amendment does not attempt to make any statement on the decision to use contractors or about the wars in Iraq or Afghanistan.

Now that we are more than 3 years into the war in Iraq, this amendment is intended to give Members of Congress new tools so that we can exercise our oversight responsibilities on what has become a major component of our military and to clarify the role of contractors. We can all acknowledge that military contractors should require the same stringent accountability and oversight standards as the U.S. military. After all, private contractors often served side by side with our brave troops, and these same United States troops are often tasked to protect our contractors who are paid with billions of U.S. taxpayer dollars.

This amendment would help to provide increased accountability and oversight for our Defense Department contractors by, first, implementing a policy for conducting comprehensive background checks on foreign nationals hired by our contractors. We want to know who these individuals are and what their backgrounds are and if they are suitable for that role. It also prohibits the hiring of any person that has been convicted of a violent crime or a human rights violation.

Second, this amendment makes retroactive new Department of Defense rules for contractors on contracts that are already in existence or on any contract extension. For example, it makes perfectly clear that combatant commanders are in charge. It outlines carefully that relationship between combatant commanders and contractors so that there is a structure of command or part of the chain of command. The combatant commander decides whether or not they carry a gun, what uniform they would wear and that they have to respond to the combatant commander.

It also would say that anyone that is a contractor or an employee of a contractor must obey the laws of the host country, of international law and U.S. law.

Third, it requires a Department of Defense Inspector General report on contractor overcharges, requires that there are sufficient contracting officers assigned to monitor contracts in Iraq and Afghanistan.

I hope that in the future I can continue to work with Chairman HUNTER and Ranking Member SKELTON to address additional oversight issues regarding the use of military contractors. I also hope we will continue to consider the impact that utilizing contractors has on our military. And I would also like to consider additional means to make it easier for Members of Congress to see Defense Department contracts so we can better monitor them for signs of waste, fraud and abuse.

Again, I thank Chairman HUNTER and Ranking Member SKELTON. I appreciate your support and attention to this important issue.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kentucky (Mr. LEWIS).

Mr. LEWIS of Kentucky. Mr. Chairman, I want to thank Chairman HUNTER for his leadership in bringing this legislation before us today.

I am proud to support the bill which reflects the superior commitment to all of those defending the freedom of our Nation. I am certainly appreciative of being able to offer this amendment.

It is a little known fact in the civilian world that when a soldier is accidentally overpaid as a result of a military pay system error, the sum can be recouped in the form of a zero sum paycheck also known as "no pay due."

This is a problem long acknowledged by America's military community and service organizations and has been documented by numerous news organizations including ABC News, Army Times, and service organization publications.

Overpayments occur when the military's pay and personnel systems which are currently neither automated nor integrated with one another, do not accurately reflect a soldier's current status and are distressingly common when pay grade assignment or geographical changes are involved. Furthermore, while overcompensation can occur in small amounts over time, the full amount can be recouped by garnishing large portions of entire paychecks when over payment is detected.

The immediate and often unexpected financial burden this places on military families is in many cases overwhelming. Perhaps most disturbing is the common occurrence of "no pay due" for wounded soldiers. System failure to recognize cessation of combat pay or other allowances often results in continued compensation which then results in garnishment when the system catches up, all at a time when a wounded soldier's family is most vulnerable.

My amendment simply requires that no more than 20 percent of a soldier's paycheck can be garnished in one pay period to recover overpayment resulting from system error. It would also institute a 90-day grace period before recovery of overpayments can begin for wounded soldiers. This will ensure that families are not blind-sided by recovery of debt incurred as no fault of their own and often with no knowledge.

I ask for my colleagues to support this amendment which carries no cost and which does not seek to absolve debt, but merely to ease its recovery for our military families already serving so selflessly in defense of this Nation. I hope you will join me in lifting the burden of no pay due. Thank you. Our soldiers and their families deserve better.

□ 1500

PARLIAMENTARY INQUIRY

Mr. WELDON of Pennsylvania. Mr. Chairman, parliamentary inquiry. Is it

in order to ask unanimous consent for an additional 2 minutes beyond what has been allotted?

The Acting CHAIRMAN (Mr. LAHOOD). The Chair may entertain such request on terms congruent with the order of the House; that is, with the time divided equally between the sides.

Mr. WELDON of Pennsylvania. Mr. Chairman, I ask unanimous consent to enlarge the debate for both sides by 4 minutes.

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

There was no objection.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Chairman, I, too, want to thank Chairman HUNTER, the staff and members of the committee for their very good work on this bill.

I rise to offer an amendment. The National Guard and active duty military troops and assets deployed since Hurricanes Katrina and Rita constituted one of the Nation's largest domestic deployments of military assets since the Civil War. The National Guard and active duty military response saved lives, provided urgent food, water, shelter and medical care to many hurricane victims.

The deployment of National Guard forces before active duty troops is consistent with current U.S. Department of Defense strategy for homeland defense and civil support, which relies on the National Guard in the first instance for civil support.

However, in the wake of these particular hurricanes, Federal and State officials lacked coordination and consideration of requests for National Guard and active duty troop deployments. Local, State and Federal offices had differing perceptions of the number of Federal troops that would be arriving and the appropriate command structure for all troops, causing confusion and diverting attention from response activities.

This amendment requires the Secretary of Defense, in coordination with the Secretary of Homeland Security and State governments, to develop detailed operational plans regarding the use of Armed Forces to support activities of civil authorities in response to a catastrophic disaster.

The amendment works to significantly strengthen the response options to hurricanes, wildfires, earthquakes, pandemic, and other natural disasters.

My amendment is consistent with the findings and recommendations from both the Select Bipartisan Committee to Investigate the Preparation for Response to Hurricane Katrina and the report from the Senate Committee on Homeland Security and Governmental Affairs, and it builds upon provisions in the base bill, which require DOD to maintain real-time capability assessments of responsibilities under the National Response Plan.

Mr. WELDON of Pennsylvania. Mr. Chairman, I am proud to yield 2 minutes to the distinguished gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the chairman.

The defense authorization bill is one of the most important measures we take before the Congress because it sets the policy for the Department of Defense.

The purpose of the amendment that I have offered and has graciously been included in this en bloc amendment is to recognize the service and sacrifice and make that part of our policy to again realize what took place with the victims of the Bataan Death March during World War II. This amendment also expresses the sense of Congress that the Department of Defense should seek to provide compensation to the remaining survivors.

Those captured in the Bataan Death March spent an average of 3.5 years in captivity in Japanese prison camps and forced labor factories. Chairman HUNTER described some of the torture and forced labor.

In order to compensate for the torture, malnutrition and forced labor they endured, the survivors should be provided at least what was then set forth, which is \$4 a day for the time spent in captivity, and the bill provides for some compounded annual interest. Even private contractors who were captured and imprisoned received \$60 per day. They were, indeed, victims of torture and injustice and unfairness.

This amendment is important for Congress to recognize the unbelievable sacrifices of our soldiers who defended our Nation and fought in the Philippines.

Very few survivors of the Bataan Death March are still alive today. In fact, one reason I got involved in this is because of a local veteran by the name of Sam Moody, and Sam passed away since I undertook his request. There are only about 900 survivors and widows. So it is not really the money. It is also the policy that we set here today.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield back my time.

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

The amendments en bloc were agreed to.

AMENDMENT NO. 23 OFFERED BY MR. WELDON OF PENNSYLVANIA

Mr. WELDON of Pennsylvania. 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. 23 printed in House Report 109-461 offered by Mr. WELDON of Pennsylvania:

At the end of title XII (page 419, after line 7), insert the following new section:

**SEC. 12 . SENSE OF CONGRESS CONCERNING COOPERATION WITH RUSSIA ON ISSUES PERTAINING TO MISSILE DEFENSE.**

It is the sense of Congress that—

(1) cooperation between the United States and Russia with regard to missile defense is in the interest of the United States;

(2) there does not exist strong enough engagement between the United States and Russia with respect to missile defense cooperating;

(3) the United States should explore innovative and nontraditional means of cooperation with Russia on issues pertaining to missile defense; and

(4) as part of such an effort, the Secretary of Defense should consider the possibilities for United States-Russian cooperation with respect to missile defense through—

(A) the testing of specific elements of the detection and tracking equipment of the Missile Defense Agency of the United States Department of Defense through the use of Russian target missiles; and

(B) the provision of early warning radar to the Missile Defense Agency by the use of Russian radar data.

The Acting CHAIRMAN. Pursuant to House Resolution 811, the gentleman from Pennsylvania (Mr. WELDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment out of a sense of frustration. I was the prime author of the missile defense legislation in 1998, with our friend JOHN SPRATT, that passed the House with a veto-proof margin calling for a moving forward on missile defense. At the time of that debate and leading the debate, I said to our colleagues, as I committed to the Russians, that we would do joint missile defense in cooperation so as not to create any feeling that we were trying to achieve a strategic advantage over them.

In fact, the weekend before the vote, I took Don Rumsfeld, Jim Woolsey and Bill Schneider to Moscow, along with several of my colleagues from the other side of the aisle, to reassure the Russians that this was not about scoring a strategic advantage.

Unfortunately, Mr. Chairman, 2 years ago, this administration cancelled the only remaining program with the Russians on missile defense. That program, entitled RAMOS, had been attempted to be cancelled back in the 1990s, and Senator LEVIN joined with us in blocking that cancellation. By canceling the RAMOS program, we have sent a terrible signal to the Russian military and to their government at a time when we need to reinforce strategic cooperation with Russia.

I would argue that there is no country that could assist us in dealing with both North Korea and Iran more than Russia at this point in time, but continuing to send mixed signals like the cancellation of our cooperation on missile defense is entirely taking us in the wrong direction.

Now, General Obering, who is in charge of our Missile Defense Agency,

agrees with me. In fact, he had negotiated a contract over a year ago with the Russian General Balyuevsky to gain joint cooperation on missile defense. It was the policy office of the Secretary of Defense that cancelled that contract that had been negotiated by General Obering. To me, that was absolutely outrageous and wrong, but yet, it has still not been corrected.

Mr. Chairman, this amendment is simply designed to lay down a marker to this administration that we do have a need to work together with our Russian counterparts. They have assets that we can use. They have large, phased radar systems that can assist us in areas of the world that we cannot cover. They have the ability to provide targeting opportunities for us. They also have very sophisticated theater systems, including the S-400, the S-500 and the S-600, that we can work on jointly with them to learn the technologies and the techniques that the Russians have employed with their missile defense systems.

So, Mr. Chairman, I offer this amendment as a signal from the Congress, hopefully with bipartisan support, to the Pentagon and to the White House to get back on track, to do what the Congress mandated when we passed the Missile Defense Act back in 1998, and to begin and renew our cooperation, as General Obering has called for, with the Russians on missile defense cooperation, both at the theater level and at the strategic level.

I would ask that our colleagues on the other side would see fit to join with us in having this amendment be included as a part of our defense authorization bill.

Mr. SKELTON. Mr. Chairman, I claim time on this and I would add that I support it. I compliment the gentleman from Pennsylvania, and I certainly think it is an excellent amendment.

Mr. Chairman, I yield back my time.

Mr. WELDON of Pennsylvania. Mr. Chairman, I yield back my time.

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

The amendment was agreed to.

AMENDMENT NO. 21 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. 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. 21 printed in House Report 109-461 offered by Mr. TAYLOR of Mississippi:

At the end of title X (page 393, after line 23), insert the following new section:

**SEC. 10. REQUIREMENT THAT ALL MILITARY WHEELED VEHICLES USED IN IRAQ AND AFGHANISTAN OUTSIDE OF MILITARY COMPOUNDS BE EQUIPPED WITH EFFECTIVE IMPROVED EXPLOSIVE DEVICE (IED) JAMMERS.**

(a) REQUIREMENT.—The Secretary of Defense shall take such steps as necessary to ensure that by the end of fiscal year 2007 all

United States military wheeled vehicles used in Iraq and Afghanistan outside of military compounds are equipped with effective Improved Explosive Device (IED) jammers.

(b) FUNDING.—The Secretary shall carry out subsection (a) using funds provided pursuant to authorizations of appropriations in title XV.

(c) REPORT.—Not later than December 15, 2006, the Secretary of Defense shall submit to the congressional defense committees a report on the cost and timeline to complete compliance with the requirement in subsection (a) that by the end of fiscal year 2007 each vehicle described in that subsection be equipped with an effective Improved Explosive Device jammer.

MODIFICATION TO AMENDMENT NO. 21 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I have a modification to my amendment at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 21 printed in House Report 109-461 offered by Mr. TAYLOR of Mississippi:

At the end of the amendment, add the following:

Strike section 1 (page 2, lines 1 through 3) and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “G. V. ‘Sonny’ Montgomery National Defense Authorization Act for Fiscal Year 2007”.

The Acting CHAIRMAN. Without objection, the modification is agreed to.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 811, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, the modification, that the majority was so kind to agree to, would name this year’s defense bill after one of the finest gentlemen to ever serve in this body, a former soldier, a statesman from the State of Mississippi, Sonny Montgomery, and the author of the Montgomery GI bill.

The bill does a lot of things this year that I think Sonny would be very proud of, particularly extending the TRICARE privileges to guardsmen and reservists, and since we are told that former Congressman Montgomery is under the weather, we hope that he is aware of what we are doing today because, again, I cannot think of anyone in our Nation who has done more to advance the Guard and Reserve than Sonny Montgomery.

He caught a heck of a lot of heat from people when he used his friendship with then-President Bush to have the Guard and Reserve called up for the first Gulf War. The decision he made then, the decision President Bush made then, was absolutely the right decision, and it has led to the one-force policy that our Nation enjoys today.

So, again, I want to thank the majority for working with me on that.

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

Mr. TAYLOR of Mississippi. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I certainly applaud your addition to your amendment. Sonny Montgomery was such a good friend when I first came to the House of Representatives. He, of course, was a senior member of the Armed Services Committee, gave guidance and advice; and I had the opportunity to be on the Personnel Subcommittee when his bill, later known as the Sonny Montgomery GI bill, came through, and I had the opportunity to work on an amendment at the subcommittee level, as a matter of fact.

He was a true gentleman’s gentleman, a real inspiration to those of us that worked with him, a credit to the House, a credit to the military, a credit to the National Guard, most of all a credit to our Nation. So it is certainly fitting and proper that you should name this measure after G.V. “Sonny” Montgomery.

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

Mr. TAYLOR of Mississippi. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding, and I will be brief.

But I just want to say about Sonny Montgomery, I miss Sonny Montgomery. I can still see him in the House Chamber, and I can see him in the Armed Services Committee where he sat with us, and I can see him walking into the prayer breakfast.

I am not a regular, but I happened to be there that morning, and he walked in when Floyd Spence was having a double lung operation. Sonny would read the casualty roll, just like a soldier, and he said I have got news about Floyd and a hush fell over the breakfast. There were about 30 Members there, Democrat and Republicans, and we thought he would tell us that Floyd Spence had passed away.

Sonny did kind of a double-take at his notes, and he said Floyd just got married. Apparently, he had gotten married coming out of this double lung transplant operation a few minutes afterwards, and lived many happy years after that.

But Sonny Montgomery was a spark of life in this Chamber. He was a great representative for the tradition of the military, Mr. National Guard. There is no question in the world you could posit to Sonny Montgomery and no statement you could make as a witness before the Armed Services Committee that it would not evoke from Sonny Montgomery, what would this mean for the National Guard? I do not care what the issue was, he managed to turn it into a Guard question.

What a great, great American. He served in World War II and had that great feeling for our military, and he is in tough shape right now.

But I have seen the gentleman’s amendment to make this the Sonny Montgomery bill. How fitting and appropriate that we do that. Sonny is

still alive, and I know that we usually do this for Members that have passed on; but Sonny is still alive and I say, good, and let us do this. And I thank the gentleman from Mississippi for bringing this up.

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

Mr. TAYLOR of Mississippi. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding, and I want to thank our colleagues and particularly Mr. TAYLOR and the chairman and ranking member for this tribute to our good friend, Sonny Montgomery.

When I first came to Congress as a junior Member, it was Sonny Montgomery who kind of took the freshman Members under his wing from both parties and kind of taught us the ropes of how to work on the committee in a bipartisan manner.

Sonny Montgomery is, in fact, a statesman. He was the kind of leader on defense and security issues that everyone followed and rallied around.

Time and again, we had bills where leadership, under both Democrat administrations and Republican administrations, would want clean bills with no significant amendments. It was always Sonny Montgomery with his Guard and Reserve package that would ensure at least one amendment, and usually it was strong bipartisan votes because of his commitment, as Chairman HUNTER has outlined, to our Guard and Reserve.

The Acting CHAIRMAN. The time of the gentleman from Mississippi (Mr. TAYLOR) has expired.

□ 1515

The Acting CHAIRMAN (Mr. LAHOOD). Does the gentleman from Missouri (Mr. SKELTON) seek 5 minutes in opposition?

Mr. SKELTON. Yes, Mr. Chairman.

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

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

Mr. WELDON of Pennsylvania. Mr. Chairman, Sonny Montgomery also was the individual who authored the Montgomery GI bill and is responsible for the education of our young people.

So many have used that bill to go on to school, and it has had such a positive impact on the men and women that have served this country that Sonny's name is known by people far and wide in this Nation, not just because of his commitment to the Guard and Reserve, but to the continuing educational needs of our young people.

I had the pleasure of accompanying Sonny on my first codel to North Korea. He led the delegation into South Korea. We drove up to the DMZ. Sonny led the official delegation to bring back the first remains of Americans from the Korean War. He handled that responsibility with a great deal of pride and responsibility, as Sonny

Montgomery did on a continuing and frequent basis in representing this Nation and our President, in receiving the first remains of American prisoners that had been found by the North Korean Government.

I would just add my name to the list of all our colleagues who have such high regard for Sonny Montgomery. He is a statesman, and the gentleman has done a great job in making sure that this bill is a lasting legacy to Sonny Montgomery's leadership.

Mr. SKELTON. Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I would like to thank my colleagues for their kind words about Sonny Montgomery. I would also like to remind my colleagues that the underlying amendment calls for telling the Department of Defense that by the end of fiscal year 2007, the Secretary of Defense will develop a plan to equip every wheeled vehicle that leaves a compound in Iraq or Afghanistan with an IED jammer.

Mr. Chairman, I voted for the use of force in Iraq and therefore I share in the responsibility for the death of every young person and every not-so-young person who has been maimed over there. It is a very unfortunate tactic by our enemies to use improvised explosive devices that are remote detonated, which have resulted in over half of the casualties and injuries of Americans over there.

Technology exists to jam the signal that triggers that charge. Many of our vehicles in Iraq have these jammers, but not all. Just as we would never dream of sending a helicopter out that does not have protection from missiles, or dream of sending a C-130 to land at Baghdad or Balad that did not have an antimissile defense, we as a nation should not dream of sending one Humvee or one truck outside of a compound that does not have the technology to jam that signal and protect the troops on board.

I have been to most of the funerals of the south Mississippians who have died in this war, and I have visited most of the soldiers at Walter Reed who have been injured. In every instance they were either killed or injured by an IED, and I regret to say, in every instance the vehicle they were traveling in did not have a jammer.

We are the world's greatest nation. We are going to spend \$10 billion this year on national missile defense and we have not been attacked by a missile, and yet every day we are having young Americans killed by IEDs. I think it is time we tell the Department of Defense that we as a Congress want to see that every single vehicle in Iraq is protected, every single soldier, airman, Marine, every single Navy personnel who is traveling in these vehicles is being protected.

I welcome the comments of the chairman of the committee, and I very much welcome his support of this amendment.

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

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

Mr. Chairman, I want to thank the gentleman from Mississippi on two counts, first for his offering the amendment on behalf of Sonny Montgomery, and secondly, for this IED amendment.

I just want to tell the gentleman that we have just tested today a new equipment package that has great potential, that we should be able to move into theater that hopefully will be able to be used in dismantled form and mounted form and that could be used on virtually every vehicle that moves out of base camp or out of forward bases.

I think this is absolutely the number one causation of casualties in the theater in Iraq and Afghanistan. Now that the IED has become the weapon of choice for insurgents, it is going to be used in other battlefields around the world. So our ability, our agility to move new technology through the process quickly and get it fielded is paramount, and this amendment helps to do that.

I want to thank the gentleman for the value he has added to the bill by offering this amendment.

The Acting CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR), as modified.

The amendment, as modified, was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting 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 No. 8 by Mr. GOODE of Virginia.

Amendment No. 22 by Mr. TIERNEY of Massachusetts.

Amendment No. 4 by Ms. JACKSON-LEE of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 8 OFFERED BY MR. GOODE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 252, noes 171, not voting 9, as follows:

[Roll No. 141]

AYES—252

Aderholt Franks (AZ) Ney  
 Akin Frelinghuysen Northup  
 Alexander Gallegly Norwood  
 Bachus Gerlach Nunes  
 Baker Gibbons Nussle  
 Barrett (SC) Gilchrest Osborne  
 Barrow Gillmor Otter  
 Bartlett (MD) Gingrey Oxley  
 Barton (TX) Gohmert Pearce  
 Bass Goode Pence  
 Beauprez Goodlatte Peterson (MN)  
 Biggert Gordon Peterson (PA)  
 Bilirakis Granger Petri  
 Bishop (GA) Graves Pickering  
 Bishop (NY) Green (WI) Pitts  
 Bishop (UT) Gutknecht Platts  
 Blackburn Poe  
 Blunt Harris Pombo  
 Boehlert Hart  
 Boehner Hayes Pomeroy  
 Bonilla Hayworth Porter  
 Bonner Hefley Price (GA)  
 Bono Hensarling Pryce (OH)  
 Boozman Herger Radanovich  
 Boren Hobson Rahall  
 Boswell Hoekstra Ramstad  
 Boucher Hooley Regula  
 Boustany Hostettler Rehberg  
 Boyd Hulshof Renzi  
 Bradley (NH) Hunter Reynolds  
 Brady (TX) Hyde Rogers (AL)  
 Brown (SC) Inglis (SC) Rogers (KY)  
 Brown-Waite, Issa Rogers (MI)  
     Ginny Rohrabacher  
 Burgess Istook Ros-Lehtinen  
 Burton (IN) Jenkins Royce  
 Buyer Johnson (CT) Ruppertsberger  
 Calvert Johnson, Sam Ryan (OH)  
 Camp (MI) Jones (NC) Ryan (WI)  
 Campbell (CA) Keller Ryan (KS)  
 Cannon Kelly Saxton  
 Cantor Kennedy (MN) Schmidt  
 Capito Kind Schwarz (MI)  
 Carter King (IA) Scott (GA)  
 Case King (NY) Sensenbrenner  
 Castle Kingston Sessions  
 Chabot Kirk Shadegg  
 Chandler Knollenberg Shaw  
 Chocola Kuhl (NY) Shays  
 Coble LaHood Sherwood  
 Cole (OK) Latham Shimkus  
 Conaway LaTourette Shuster  
 Cooper Leach Simmons  
 Costello Lewis (KY) Simpson  
 Cramer Lipinski Smith (NJ)  
 Crenshaw LoBiondo Sodrel  
 Cubin Lucas Souder  
 Culberson Lungren, Daniel  
 Davis (AL) E. Spratt  
 Davis (KY) Mack Stearns  
 Davis (TN) Manzullo Sullivan  
 Davis, Jo Ann Marchant Sweeney  
 Davis, Tom Marshall Tancred  
 Deal (GA) Matheson Tanner  
 DeFazio McCarthy Taylor (MS)  
 DeLay McCaul (TX) Taylor (NC)  
 Dent McCotter Terry  
 Diaz-Balart, L. McCrery Thomas  
 Diaz-Balart, M. McHenry Tiahrt  
 Doolittle McHugh Turner  
 Drake McIntyre Upton  
 Dreier McKeon Udall (CO)  
 Duncan McMorris Upton  
 Emerson Melancon Walden (OR)  
 English (PA) Mica Wamp  
 Etheridge Miller (FL) Weiner  
 Everett Miller (MI) Weldon (FL)  
 Feeney Miller, Gary Weldon (PA)  
 Ferguson Moore (KS) Weller  
 Fitzpatrick (PA) Moran (KS) Westmoreland  
 Foley Moran (VA) Whitfield  
 Forbes Murphy Wicker  
 Fortenberry Musgrave Wilson (SC)  
 Fossella Myrick Wolf  
 Foxx Neugebauer Young (AK)  
     Young (FL)

NOES—171

Abercrombie Berkley Capuano  
 Ackerman Berman Cardin  
 Allen Berry Carnahan  
 Andrews Blumenauer Carson  
 Baca Brady (PA) Clay  
 Baird Brown (OH) Cleaver  
 Baldwin Brown, Corrine Clyburn  
 Bean Butterfield Conyers  
 Becerra Capps Costa

Crowley Kilpatrick (MI) Rangel  
 Cuellar Kline Reyes  
 Cummings Kolbe Ross  
 Davis (CA) Kucinich Rothman  
 Davis (FL) Langevin Roybal-Allard  
 Davis (IL) Lantos Rush  
 DeGette Larsen (WA) Sabo  
 Delahunt Larson (CT) Salazar  
 DeLauro Lee Sánchez, Linda  
 Dicks Levin T.  
 Dingell Lewis (CA) Sanchez, Loretta  
 Doggett Lewis (GA) Sanders  
 Doyle Linder Schakowsky  
 Edwards Lofgren, Zoe Schiff  
 Ehlers Lowey Schwartz (PA)  
 Emanuel Lynch Scott (VA)  
 Engel Maloney Serrano  
 Eshoo Markey Sherman  
 Farr Matsui Skelton  
 Fattah McCollum (MN) Slaughter  
 Finer McDermott Smith (WA)  
 Flake McGovern Snyder  
 Frank (MA) McKinney Solis  
 Gonzalez McNulty Solis  
 Green, Al Meehan Stark  
 Green, Gene Meek (FL) Strickland  
 Grijalva Meeks (NY) Stupak  
 Gutierrez Michaud Tauscher  
 Harman Millender Thompson (CA)  
 Hastings (FL) McDonald Thompson (MS)  
 Hastings (WA) Miller (NC) Thornberry  
 Herseht Miller, George Tierney  
 Higgins Mollohan Towns  
 Hinchey Moore (WI) Udall (NM)  
 Hinojosa Murtha Van Hollen  
 Holden Nadler Velázquez  
 Holt Napolitano Walsh  
 Honda Neal (MA) Visclosky  
 Hoyer Oberstar Waters  
 Inslee Obey Wasserman  
 Israel Oliver Schultz  
 Jackson (IL) Ortiz Waters  
 Jackson-Lee Pallone Watson  
     (TX) Pascrell Watt  
 Kelly Pastor Waxman  
 Kennedy (MN) Paul Wexler  
 Kind Johnson, E. B. Wilson (NM)  
 King (IA) Jones (OH) Woolsey  
 King (NY) Kanjorski  
 Kingston Sessions Price (NC)  
 Kirk Shadegg Putnam  
 Kildee

NOT VOTING—9

Cardoza Garrett (NJ) Owens  
 Evans Johnson (IL) Reichert  
 Ford Kennedy (RI) Smith (TX)

□ 1546

Ms. BEAN, Mr. WYNN and Mr. FLAKE changed their vote from “aye” to “no.”

Messrs. KIND, RUPPERSBERGER, CONAWAY, and RAHALL changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois, Mr. Chairman, on rollcall No. 141 I was inadvertently detained. Had I been present, I would have voted “aye.”

AMENDMENT NO. 22 OFFERED BY MR. TIERNEY

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 124, noes 301, not voting 7, as follows:

[Roll No. 142]

AYES—124

Abercrombie Holt Owens  
 Ackerman Honda Pallone  
 Allen Hooley Pastor  
 Baird Inslee Paul  
 Baldwin Jackson (IL) Payne  
 Becerra Jackson-Lee Pelosi  
 Berkley (TX) Price (NC)  
 Berman Jefferson Rahall  
 Berry Johnson, E. B. Rangel  
 Jones (OH) Roybal-Allard  
 Bishop (NY) Kildee Rush  
 Blumenauer Kilpatrick (MI) Sabo  
 Boswell Kind Sanders  
 Boucher Kucinich Schakowsky  
 Brown (OH) Lantos Schiff  
 Brown, Corrine Leach Schwartz (PA)  
 Capps Lee Scott (VA)  
 Cardin Lewis (GA) Serrano  
 Carson Lofgren, Zoe Shays  
 Castle Lowey Sherman  
 Clay Maloney Markey  
 Cleaver Conyers Matheson  
 Costello Solis Matsui  
 Crowley Cummings McCollum (MN)  
 Davis (IL) McDermott Strickland  
 DeFazio McGovern Tierney  
 DeGette McKinney Towns  
 Delahunt McNulty Udall (NM)  
 DelLauro Meehan Van Hollen  
 Doggett Hinchey Velázquez  
 Doyle Millender Wasserman  
 Duncan McDonald Schultz  
 Ehlens Miller (NC) Waters  
 Engel Miller, George Watson  
 Farr Moore (WI) Moran (VA)  
 Fattah Fattah Waxman  
 Finer Filner Nadler  
 Frank (MA) Frank (MA) Weiner  
 Grijalva Grijalva Wexler  
 Gutierrez Gutierrez Woolsey  
 Hastings (FL) Hastings (FL) Wu  
 Hincney Hincney Wynne

NOES—301

Aderholt Chocola Gingrey  
 Akin Clyburn Gohmert  
 Alexander Coble Gonzalez  
 Andrews Cole (OK) Goode  
 Baca Conaway Goodlatte  
 Bachus Cooper Gordon  
 Baker Costa Granger  
 Barrett (SC) Cramer Graves  
 Barrow Crenshaw Green (WI)  
 Bartlett (MD) Cuellar Green, Al  
 Barton (TX) Culberson Green, Gene  
 Bass Davis (AL) Gutknecht  
 Bean Davis (CA) Hall  
 Beauprez Davis (FL) Harman  
 Biggert Davis (KY) Harris  
 Bilirakis Davis (TN) Hart  
 Bishop (GA) Davis, Jo Ann Hastings (WA)  
 Bishop (UT) Davis, Tom Hayes  
 Blackburn Deal (GA) Hayworth  
 Blunt DeLay Hefley  
 Boehlert Dent Hensarling  
 Boehner Diaz-Balart, L. Herger  
 Bonilla Diaz-Balart, M. Herseth  
 Bonner Dicks Higgins  
 Bono Dingell Hinojosa  
 Boozman Doolittle Hobson  
 Boren Drake Hoekstra  
 Boustany Dreier Holden  
 Boyd Edwards Hostettler  
 Bradley (NH) Emanuel Hoyer  
 Brady (PA) Emerson Hulshof  
 Brady (TX) English (PA) Hunter  
 Brown (SC) Eshoo Hyde  
 Brown-Waite, Etheridge Inglis (SC)  
     Ginny Everett Israel  
 Burgess Feeney Issa  
 Burton (IN) Ferguson Istook  
 Butterfield Fitzpatrick (PA) Jenkins  
 Buyer Flake Johnson (CT)  
 Calvert Foley Johnson (IL)  
 Camp (MI) Forbes Johnson, Sam  
 Campbell (CA) Fortenberry Jones (NC)  
 Cannon Fossella Kanjorski  
 Cantor Foxx Keller  
 Capito Franks (AZ) Kaptur  
 Capuano Frelinghuysen Kelly  
 Carnahan Gallegly Kennedy (MN)  
 Carnahan Gerlach King (IA)  
 Carter Gibbons King (NY)  
 Case Gilchrest Kingston  
 Chabot Gillmor



Kirk  
Kline  
Knollenberg  
Kolbe  
Kuhl (NY)  
LaHood  
Langevin  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Levin  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Lynch  
Mack  
Manzullo  
Marchant  
Marshall  
McCarthy  
McCaul (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McIntyre  
McKeon  
McMorris  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mollohan  
Moore (KS)  
Moran (KS)  
Murphy  
Murtha  
Musgrave  
Myrick  
Neugebauer  
Ney  
Northup

Norwood  
Nunes  
Nussle  
Ortiz  
Osborne  
Otter  
Oxley  
Pascrell  
Pearce  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pombo  
Pomeroy  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Ryun (KS)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Saxton  
Schmidt  
Schwarz (MI)  
Scott (GA)

Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skelton  
Smith (NJ)  
Smith (WA)  
Snyder  
Sodrel  
Souder  
Spratt  
Stearns  
Stupak  
Sullivan  
Sweeney  
Tancredo  
Tanner  
Tauscher  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiahrt  
Akin  
Alexander  
Allen  
Andrews  
Baca  
Bachus  
Baird  
Baker  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bass  
Bean  
Beauprez  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonner  
Bono  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Bradley (NH)  
Brady (PA)  
Brady (TX)  
Brown (OH)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp (MI)  
Campbell (CA)  
Cantor  
Capito  
Capps  
Capuano  
Cardin  
Carnahan  
Carson  
Carter  
Case  
Castle  
Chabot  
Chandler  
Chocola  
Clay  
Cleaver  
Clyburn

The Clerk will redesignate the amendment.  
The text of the amendment is as follows:  
Amendment No. 4 printed in House Report 109-459 offered by Ms. JACKSON-LEE of Texas:  
Page 117, after line 6, add the following new subparagraph (B) (and redesignate existing subparagraphs (B) and (C) accordingly):  
“(B) the frequency of assignments during service career;”.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.  
A recorded vote was ordered.  
The Acting CHAIRMAN. This will be a 5-minute vote.  
The vote was taken by electronic device, and there were—ayes 415, noes 9, not voting 8, as follows:

[Roll No. 143]  
AYES—415

Abercrombie  
Ackerman  
Aderholt  
Akin  
Alexander  
Allen  
Andrews  
Baca  
Bachus  
Baird  
Baker  
Baldwin  
Barrett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bass  
Bean  
Beauprez  
Becerra  
Berkley  
Berman  
Berry  
Biggart  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonner  
Bono  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Bradley (NH)  
Brady (PA)  
Brady (TX)  
Brown (OH)  
Brown (SC)  
Brown, Corrine  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Butterfield  
Calvert  
Camp (MI)  
Campbell (CA)  
Cantor  
Capito  
Capps  
Capuano  
Cardin  
Carnahan  
Carson  
Carter  
Case  
Castle  
Chabot  
Chandler  
Chocola  
Clay  
Cleaver  
Clyburn  
Coble  
Cole (OK)  
Conaway  
Conyers  
Cooper  
Costa  
Costello  
Cramer  
Crenshaw  
Crowley  
Cubin  
Cuellar  
Culberson  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (KY)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Doolittle  
Doyle  
Drake  
Dreier  
Duncan  
Edwards  
Ehlers  
Emanuel  
Emerson  
Engel  
English (PA)  
Eshoo  
Etheridge  
Everett  
Farr  
Fattah  
Feeney  
Ferguson  
Filner  
Fitzpatrick (PA)  
Flake  
Foley  
Forbes  
Fortenberry  
Fossella  
Foxy  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gohmert  
Gonzalez  
Goode

Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Lipinski  
LoBiondo  
Lofgren, Zoe  
Lowey  
Lucas  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maloney  
Manzullo  
Marchant  
Markey  
Marshall  
Matheson  
Matsui  
McCarthy  
McCaul (TX)  
McCollum (MN)  
McCotter  
McCrery  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McKeon  
McKinney  
McMorris  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Millender-  
McDonald  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mollohan  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy  
Murtha  
Musgrave  
Myrick  
Nadler  
Napolitano  
Neal (MA)  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Nussle

Oberstar  
Obey  
Oliver  
Ortiz  
Osborne  
Otter  
Pallone  
Pascrell  
Pastor  
Paul  
Payne  
Pelosi  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pombo  
Pomeroy  
Porter  
Price (GA)  
Price (NC)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Ryun (KS)  
Sabo  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Saxton  
Schakowsky  
Schiff  
Schmidt  
Schwartz (PA)  
Schwarz (MI)  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw

NOES—9

Bonilla  
Buyer  
Cannon  
DeLay  
Hoekstra  
Johnson, Sam

NOT VOTING—8

Cardoza  
Evans  
Ford  
Garrett (NJ)  
Green, Al  
Kennedy (RI)  
Owens  
Smith (TX)

□ 1608

Mr. PENCE changed his vote from “no” to “aye.”  
So the amendment was agreed to.  
The result of the vote was announced as above recorded.  
The Acting CHAIRMAN. The Chair understands that amendment No. 16 will not be offered.  
Mr. STARK. Mr. Chairman, I rise in opposition to this Defense Authorization Bill, H.R. 5122. Only a few months after ruthlessly slashing \$40 billion in health care, education and job training benefits for working Americans, the Republicans have shamelessly

NOT VOTING—7  
Cardoza  
Cubin  
Evans  
Ford  
Garrett (NJ)  
Kennedy (RI)  
Smith (TX)

□ 1557

Messrs. TAYLOR of North Carolina, CAPUANO and PASCARELL changed their vote from “aye” to “no.”  
So the amendment was rejected.  
The result of the vote was announced as above recorded.  
(By unanimous consent, Mr. BOEHNER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. BOEHNER. Mr. Chairman, this series of votes that we are in will be the last votes of the day and the week. As many of you know, there was some chance that the budget would come to the floor tonight. We made a lot of progress today, I am very optimistic that we will get there, but we are not there today. I just wanted all the Members to know what the plans were.

ANNOUNCEMENT BY THE ACTING CHAIRMAN  
The Acting CHAIRMAN. Without objection, 5-minute voting will continue. There was no objection.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

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

brought forth a Defense Authorization bill that wastefully spends taxpayer dollars and does nothing to make this country any safer.

This bill clearly demonstrates that this Republican Congress has a habitual problem of fiscal mismanagement. This legislation spends billions on the development of ineffective or duplicative weapons systems that pad the pockets of big defense contractors. In turn, these defense contractors thank their Republican sugar daddies by filling their campaign coffers.

H.R. 5122 wastefully authorizes \$9.3 billion on pie-in-the-sky Star Wars missile defense, a \$184 million increase over President Bush's request and \$2 billion more than the current level of spending. Rather than allocate billions for a Cold War weapon system that will never work, Republicans in Congress should address the real security threat posed by weapons that can easily be delivered or smuggled into America in a suitcase or container.

The bill provides additional funding to build ships that the Navy has not requested and does not need. The Republican legislation also allocates nearly \$46 billion for 20 F/A-22 Raptors, \$1.4 billion more than President Bush requested and \$2.9 billion more than is currently spent. Yet these planes were initially justified as necessary to compete with a new generation of Soviet fighters that no longer exists.

Since the collapse of the Russian air force, there is no nation that has, or is planning to have, fighter jets as dominant as those the U.S. Air Force currently employs in combat. In Iraq, Kosovo and Afghanistan, the Air Force has demonstrated the superiority of existing U.S. planes. In addition, the GAO recently reported that the costs of the F/A-22 Raptors have ballooned to \$1.3 billion more than was budgeted for by the Air Force. Where does accountability begin?

H.R. 5122 does not require the President to provide an exit strategy out of Iraq. Even after spending \$315 billion on a misguided Iraq War, the Bush Administration has no clue on how to resolve the situation or an idea of how to get American soldiers out of the conflict.

It is time to stop giving the President a blank check to fight an aimless war. The only thing that the \$50 billion outlay in this bill guarantees is that the U.S. will be in Iraq longer than is necessary and that more American soldiers and Iraqi civilians will die without just cause.

I am also very concerned that certain members of Congress have decided to support chaplains who want to push their own religious agenda rather than the military's commitment to religious tolerance. When chaplains join the military, they accept a duty to serve the military's mission in addition to their mission to God. In providing spiritual guidance to our soldiers, chaplains should never carry out their duty in a manner that divides or alienates soldiers of different faiths. Chaplains who press ahead with their own agenda ahead of the military's mission threaten the cohesiveness of military units and the effectiveness of our soldiers in carrying out their duties.

I urge my colleagues to vote against this wasteful and irresponsible bill. It is time we had a defense budget that lives within its means, stops wasting hard earned tax dollars on useless weapon systems, and accounts for what is truly required in Iraq.

Mr. LATHAM. Mr. Chairman, I rise in strong support of H.R. 5122. I would first like to thank

the Chairman for including an important provision helping to provide access to health care for our Guard and Reserve members. This provision will, for the first time, allow all drilling Guard and Reserve members to purchase health coverage through TRICARE, the military's health care system. The provision will treat all of our citizen-soldiers equally, regardless of whether or not they were previously deployed.

This is an issue dear to my heart. Over a year ago, I introduced legislation in the House that provided the basis for the provision we find in the bill today. During my visits to Iraq, I had the opportunity to visit with U.S. soldiers serving there, including many Iowans. When I asked what I could do to help them, the overwhelming response I received was, 'Don't worry about us, but please do something to help our families at home, who are dealing with the fact that we are separated from them every day.' In my conversations with these soldiers and my constituents in Iowa, it became clear that our Guard and Reserve soldiers wanted—and needed—access to better health care for them and their families.

We know that today, 40 percent of our enlisted Guard and Reserve soldiers and their families are uninsured. For soldiers who are deployed, family members receive temporary coverage under TRICARE. This coverage ends some time after they return, depending on the length of the deployment. Families that had health coverage prior to a deployment may be subject to waiting periods or exclusions for preexisting conditions when they try to return to civilian coverage. They are burdened with switching between TRICARE and private insurance, along with different hospital and physician networks.

This is an unacceptable situation for our Guard and Reserve soldiers, who are almost certain to be sent to serve in Iraq and Afghanistan, if they have not done so already. Guard and Reserve soldiers currently make up almost half of our forces serving in those locations. Yet they cannot purchase the same health coverage that full time soldiers access for free. The Federal Employees Benefit Program (FEHBP) covers part time civilian Federal employees if they agree to pay increased premiums. At a minimum we owe our citizen-soldiers the same access to health care with a cost sharing arrangement.

Clearly the role of our Guard and Reserve forces has been transformed to play a central part in providing for the national defense. The greater requirements for sacrifice and service placed on the Guard and Reserve must be matched with greater commitment to them on our part.

We owe it to our citizen-soldiers to provide them with access to affordable health care. Providing TRICARE access during all phases of service will provide an important tool to bolster recruitment, retention, family morale and overall readiness for the Guard and Reserve.

I strongly urge my colleagues to support this bill.

Mr. SIMMONS. Mr. Chairman, I rise today in support of H.R. 5122, a bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes. This important legislation was made possible thanks to the leadership of House Armed Services Committee Chairman DUNCAN HUNTER of California

and Projection Forces Subcommittee Chairman ROSCOE G. BARTLETT of Maryland. These leaders have taken a long and hard look at how best to fulfill our national security needs, and they have led the committee into action. This is nowhere more evident and important than in the House's shipbuilding budget.

This defense bill is nothing short of historic; it marks a turning point in Congress' view of the United States Submarine Force and our undersea fleet's role in the Global War on Terror and beyond. The House has validated what many of us have long known: that our submarine fleet is the backbone of our Navy's efforts in the Global War on Terror, and that it is critical to deterring aggression by potential adversaries.

H.R. 5122 accelerates production of Virginia Class submarines to help the Navy meet its stated requirement of 48 ships. Without adding funding for two submarines per year starting in 2009, the U.S. submarine fleet will eventually drop to 40 or less, presenting our fighting forces with an unacceptable level of risk. It would be irresponsible to set a force level requirement and then miss that goal by some 20 percent. That is why this bill also requires the Department of Defense to maintain a submarine fleet of 48 ships, consistent with the Navy's stated needs. Shame on Congress should it ever turn its back on our Nation's naval requirements, especially in a time of war.

Article one, section eight of the United States Constitution states that "Congress shall provide and maintain a Navy." Our republic's charter document does not vest this authority with any other body—not the President, not the Department of Defense, and not special interests. Congress must ultimately take responsibility for a hollow Navy, and it is Congress that must answer to the American people if our sailors fail for lack of material support. Today, I am proud to say that this body has acted honorably and ably to execute this charge.

Mr. Chairman, history tells us that we cannot wait for danger to find us. There is a growing threat across the Pacific that we simply cannot ignore. 70 years ago, with the leadership of another House chairman, Congressman Carl Vinson, Congress funded our shipbuilding accounts at a level that prepared us for the turmoil of World War II. Had this body not taken action years before the conflict, the United States Navy would not have had the capability to stand up to fascism overseas. In fact, in the first 18 months after Pearl Harbor, the U.S. had barely enough carriers to hold the line, let alone project power in the Pacific. At one point in November 1942, only two carriers were operational in that vast ocean. We can only imagine the outcome had Chairman Vinson chose inaction instead of resolve.

Today, we must look forward with the lessons of our past. We must imagine our future if we let our Navy's submarine force atrophy at a time when its missions are only growing. We must try to envision what will come to pass if the U.S. Navy cannot check a near peer in the Pacific Ocean because it is overstretched and under-equipped. As we consider the current and future threats to our Nation, I am thankful that we have Members of the Armed Services Committee willing to act in the spirit of Chairman Vinson.

So, Mr. Chairman, I rise in support of the H.R. 5122 knowing that this bill represents a

giant step toward facing the threats of today and tomorrow. We have won the first battle to supply this great Nation with the Navy it requires.

Mr. HUNTER. Mr. Chairman, I submit the following letters for the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, May 9, 2006.

Hon. DUNCAN HUNTER,  
Chairman, Committee on Armed Services,  
Washington, DC.

DEAR CHAIRMAN HUNTER: On May 5, 2006, the Committee on Armed Services ordered reported H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007. As ordered reported by the Committee on Armed Services, this legislation contains a number of provisions that fall within the jurisdiction of the Committee on Energy and Commerce. These provisions include the following:

Sec. 312. Munitions Disposal in Ocean Waters

Sec. 313. Reimbursement for Moses Lake

Sec. 314. Funding of Cooperative Agreements

Sec. 2917. [Now Sec 2822]—Restrictive Easements

Sec. 3111. Plan for transformation of National Nuclear Security Administration nuclear weapons complex

Sec. 3112. Extension of Facilities and Infrastructure Recapitalization Program

Sec. 3115. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel

Sec. 3117. Consolidation of counterintelligence programs of Department of Energy and National Nuclear Security Administration

Recognizing your interest in bringing this legislation before the House expeditiously, the Committee on Energy and Commerce agrees not to seek a sequential referral of the bill. By the being not to seek a sequential referral, the Committee on Energy and Commerce does not waive its jurisdiction over these provisions or any other provisions of the bill that may fall within its jurisdiction. In addition, the Committee on Energy and Commerce reserves its right to seek conferees on any provisions within its jurisdiction which are considered in the House-Senate conference, and asks for your support in being accorded such conferees.

I request that you include this letter and your response as part of the report on H.R. 5122 and as part of the CONGRESSIONAL RECORD during consideration of this bill by the House.

Sincerely,

JOE BARTON,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON INTERNATIONAL RELA-  
TIONS,

Washington, DC, May 5, 2006.

Hon. DUNCAN HUNTER,  
Chairman, House Committee on Armed Services,  
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill H.R. 5122, The National Defense Authorization Act for Fiscal Year 2007. There are certain provisions in the legislation which fall within the Rule X jurisdiction of the Committee on International Relations.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important bill, I am willing to waive this Committee's right to sequential referral. I do so with the understanding that by waiving consideration of the bill the Committee on International Re-

lations does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction. I request that you urge the Speaker to name Members of this Committee to any conference committee which is named to consider any such provisions.

Please place this letter into the Committee report on H.R. 5122 and into the CONGRESSIONAL RECORD during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With best wishes,

Sincerely,

HENRY J. HYDE,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SCIENCE,  
Washington, DC, May 4, 2006.

Hon. DUNCAN HUNTER,  
Chairman, Committee on Armed Services,  
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Science Committee in matters being considered in H.R. 5122, the "National Defense Authorization Act for Fiscal Year 2007." I appreciate you working with me in your development of H.R. 5122, particularly with respect to Section 911, Designation of Successor Organizations for the Disestablished Interagency Global Positioning Executive Board.

The Science Committee acknowledges the importance of H.R. 5122 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over Section 911 and other provisions of the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Science Committee, and that a copy of this letter and of your response will be included in the Committee report and in the CONGRESSIONAL RECORD when the bill is considered on the House Floor.

The Science Committee also expects that you will support our request to be conferees on any provisions over which we have jurisdiction during any House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,

SHERWOOD BOEHLERT,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON TRANSPORTATION AND  
INFRASTRUCTURE,  
Washington, DC, May 4, 2006.

Hon. DUNCAN HUNTER,  
Chairman, Committee on Armed Services,  
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Transportation and Infrastructure Committee in matters being considered in H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007.

Our Committee recognizes the importance of H.R. 5122 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Transportation and Infrastructure Committee, and that a copy of this letter and of your response acknowledging our jurisdictional in-

terest will be included in the Committee Report and as part of the CONGRESSIONAL RECORD during consideration of this bill by the House.

The Committee on Transportation and Infrastructure also asks that you support our request to be conferees on the provisions over which we have jurisdiction during any House-Senate conference.

Thank you for your cooperation in this matter.

Sincerely,

DON YOUNG,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, May 3, 2006.

Hon. DUNCAN HUNTER,  
Chairman, Committee on Armed Services,  
Washington, DC.

DEAR CHAIRMAN HUNTER: H.R. 5122, the "National Defense Authorization Act for Fiscal Year 2007," contains provisions that implicate the rule X jurisdiction of the Committee on Judiciary. However, in recognition of the desire to expedite consideration of this legislation, the Committee hereby waives consideration of the bill.

The Committee on Judiciary takes this action with the understanding that by forgoing consideration of H.R. 5122, the Committee does not waive any jurisdiction over subject matter contained in this or similar legislation. The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your inclusion of this letter in the CONGRESSIONAL RECORD during consideration of H.R. 5122 on the House floor. Thank you for your attention to these matters.

Sincerely,

F. JAMES SENSENBRENNER, JR.,  
Chairman.

HOUSE OF REPRESENTATIVES, PER-  
MANENT SELECT COMMITTEE ON IN-  
TELLIGENCE,

Washington, DC, May 1, 2006.

Hon. DUNCAN HUNTER,  
Chairman, Committee on Armed Services,  
Washington, DC.

DEAR MR. CHAIRMAN: I write to confirm our mutual understanding regarding H.R. 5122, the Defense Authorization Act for Fiscal Year 2007. This legislation contains subject matter within the jurisdiction of the Permanent Select Committee on Intelligence. However, in order to expedite floor consideration of this important legislation, the Committee waives consideration of the bill.

The Permanent Select Committee on Intelligence takes this action with the understanding that the Committee's jurisdictional interests over this and similar legislation are in no way diminished or altered. I also wish to confirm our mutual agreement that the transfer of the Office of Defense Nuclear Counterintelligence of the National Nuclear Security Administration in no way impairs or affects the Permanent Select Committee on Intelligence's jurisdiction over intelligence activities of National Intelligence Program components of the Department of Energy, including those carried out by this Office.

The Committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 5122 on the House floor.

Thank you for your attention to these matters.

Sincerely,

PETER HOEKSTRA,  
*Chairman.*

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON GOVERNMENT REFORM,  
Washington, DC, May 10, 2006.

Hon. DUNCAN HUNTER,  
*Chairman, Committee on Armed Services,*  
Washington, DC.

DEAR MR. DUNCAN On May 5, 2006, the Committee on Armed Services ordered reported H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007. Thank you for working closely with the Committee on Government Reform on those matters within the Committee's jurisdiction. I am writing to confirm our mutual understanding with respect to the consideration of H.R. 5122.

In the interest of expediting the House's consideration of H.R. 5122, the Committee on Government Reform did not request a sequential referral of the bill. However, the Committee did so only with the understanding that this procedural route would not prejudice the Committee's jurisdictional interest and prerogatives in this bill or similar legislation.

I respectfully request your support for the appointment of outside conferees from the Committee on Government Reform should H.R. 5122 or a similar Senate bill be considered in conference with the Senate. Finally, I request that you include our exchange of letters on this matter in the Armed Services Committee Report on H.R. 5122 and in the CONGRESSIONAL RECORD during consideration of this bill on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM DAVIS,  
*Chairman.*

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this bill. As a relatively new Member of the Armed Services Committee, I am grateful to Chairman HUNTER and Ranking Member SKELTON for working with me on a number of provisions in the bill that are important to Colorado.

The bill includes language that highlights the importance of the High Altitude Aviation Training Site (HAATS) in Eagle, CO and its need for enough aircraft to fulfill its mission. HAATS is the primary site for training military aviators on operations in hostile, high altitude, and power-limited environments under all seasonal weather conditions, such as Afghanistan.

As a result of language I had included in the Defense Authorization bill last year, the Army National Guard pledged to provide two Blackhawks to HAATS, but I'm told HAATS needs five Blackhawks in order to sustain training requirements. The language included in this bill asks for the number and type of helicopters that are needed to provide the training necessary to sustain our war strategies and asks for an evaluation of the accident rates for deployed Army helicopter pilots who received high altitude training and those who did not receive such training. I think this information will further underscore HAATS' critical mission and the reason it needs more aircraft.

Second, I worked with committee chairman Representative DUNCAN HUNTER (R-CA) to include language in the bill to name a housing facility at Fort Carson in honor of my friend Representative JOEL HEFLEY, who is retiring at the end of the year. In his 20 years representing Colorado's 5th Congressional district, JOEL has served with integrity and honor and has been a fair and effective lawmaker. I

have learned a great deal from JOEL in my years in Congress, and I will miss his good company and collegiality.

I also supported an amendment offered by Representative HEFLEY that requires the Defense Department to report to Congress that it has made every effort to acquire property from willing sellers before using eminent domain to expand Fort Carson's maneuvering site in Pinyon Canyon. Along with other members of the Colorado delegation, I will be watching these developments carefully.

Finally, I'm pleased that the bill includes \$3.1 million for the Air Sovereignty Alert Crew Quarters facility at Buckley Air Force Base. Currently, the crews are housed in modular trailers on the edge of the alert aircraft-parking apron, which do not comply with prescribed procedures identified by safety and Air Force Fire Protection instructions. These funds will enable Colorado's Air National Guard to build a facility to help aircrew perform their mission—supporting Homeland Defense capabilities throughout the United States—which was established in response to post 9/11 national strategy requirements.

I am also pleased with many other provisions in the bill. H.R. 5122 includes a provision I advocated to permanently authorize and fund the Freedom Salute Campaign and Welcome Home Warriors Program, an awards and appreciation program for troops returning from duty in Iraq and Afghanistan. This program is a small but significant way for us to show our appreciation for the service and sacrifice of our men and women in uniform and their families, and is also helpful for retaining these dedicated men and women in our Armed Forces.

There are also many broad provisions in the bill that benefit our troops. An important one extends Tricare coverage to all Reservists, something Democrats on the Committee fought for last year with limited success. So I'm very pleased that the bill expands this benefit and underscores the importance of providing the same set of services to all our servicemen and women. The bill also blocks the proposed plan to raise certain Tricare fees. It raises the end-strength of the Army and Marine Corps by 30,000 and 5,000 respectively, thereby helping to ease the strain on our troops, and fully funds end-strength of the Army National Guard. I'm also glad that the bill includes provisions to increase recruiting and retention incentives, provides a 2.7% pay raise for members of the armed forces, and increases funding for up-armed Humvees and IED jammers.

Also important—especially at this time of budget tightening—is the bill's focus on reining in costs of major procurement programs, particularly the Future Combat Systems and other programs that have relied on immature technology. The bill requires the Army to fully fund its maintenance, modular conversion and pre-positioned war stocks or face a cap of \$2.85 billion on FCS. Funding in excess of the cap would be transferred to reset equipment costs and modularity. H.R. 5122 also redirects missile defense funding from longer range programs to near-term needs, such as buying upgrades for the Patriot and Aegis interceptors that can protect our service members and allies today. It also places restrictions on developing improvements to the ground-based mid-course defense system until after it successfully intercepts two operationally realistic warheads.

On a less positive note, Rules Committee Republicans denied Members of the House the opportunity to debate a number of key amendments which would have improved this bill. Among them was one offered by Ranking Member SKELTON, which would lower the increased retail pharmacy co-payment fees for military families; an amendment offered by Mr. ANDREWS and others to increase funding for nonproliferation programs; and an amendment by Mr. ISRAEL to require that chaplains demonstrate "sensitivity, respect, and tolerance" toward servicemembers of all faiths.

Another amendment not made in order was one offered by Mrs. CAPPS and Mr. SNYDER to strike language in the bill prohibiting the National Park Service from carrying out a 1997 court-ordered settlement agreement that requires the shutdown of a private trophy hunting operation on Santa Rosa Island, part of the Channel Islands National Park. There have been no hearings on this issue, the National Park Service is opposed to it, and the Defense Department has not requested it. The Republican leadership should have allowed debate on this amendment, and I will work with my colleagues to see that conferees on the bill strike this language.

The Rules Committee Republicans also refused to allow debate on an amendment on energy security that I offered and a similar one that I offered with my colleagues Mr. HOYER and Mr. GORDON. Even as Americans struggle to afford near-record high gas prices, Republicans rejected these amendments to increase funding for alternative fuels programs at the Department of Defense. America's addiction to oil from any source means that our security is vulnerable and will continue to be until we have the vision to look beyond the gas pump. I'm very disappointed that the Republican leadership doesn't see this as a priority.

I'm also disappointed that the leadership and the Rules Committee did not provide for any debate on the prosecution of the war in Iraq and Afghanistan.

On the whole, however, the bill we are considering today does a good job of balancing the need to sustain our current warfighting abilities with the need to prepare for the next threat to our national security. It is critical that we are able to meet the operational demands of today even as we continue to prepare our men and women in uniform to be the best trained and equipped force in the world.

Mr. Chairman, this is not a perfect bill. And the process under which it was debated on the floor was not all that it should have been. But overall, this is a good bill, a carefully drafted and bipartisan bill, and I urge its support.

Mr. JOHNSON of Illinois. Mr. Chairman, I rise today to express regret for my absence during roll call vote 141. I was on the floor, but was unable to record a vote on an amendment offered by my colleague VIRGIL GOODE during consideration of H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007. However I want to make it clear that I intended to vote 'aye' for I am a strong supporter of this amendment.

Representative GOODE's amendment authorizes the Secretary of Defense to assign members of the armed forces to assist the Department of Homeland Security in the performance of border protection functions. Securing our borders against terrorists, drug traffickers and illegal aliens is of great importance to our national security. I would like to point out that

I voted for this exact same amendment last year when Representative GOODE offered it during consideration of the National Defense Authorization Act for Fiscal Year 2006.

I am a strong supporter of H.R. 5122, the National Defense Authorization Ad for Fiscal Year 2007 and I voted for its final passage. Again, I apologize for being unable to cast my vote on the Goode amendment and I am pleased this important amendment made it into the final bill which I supported.

Mr. GARRETT of New Jersey. Mr. Chairman, like many proud parents this spring, I will be attending with my family the joyous occasion of watching my oldest daughter graduate high school. Unfortunately, due to this, I regret to inform you that I will be unable to participate in afternoon votes on Thursday, May 11, 2006.

I wish to submit the following statement as to my position on the National Defense Authorization Act for Fiscal Year 2007 that I am proud to support and would have given a strong yeah vote had personal matters not called my away from our nation's capital.

I commend this body, including the Chairman of the House Armed Services Committee, for their work on crafting this authorization for our Department of Defense that will protect our troops as they ensure for the safety and security of Americans and our allies at home and abroad.

The men and women serving and who have served in our armed forces are true American heroes. We must do what we can to give them the tools to win the War on Terrorism and win it safely.

My heart and prayers go out to all who risk so much defending our liberties and freedoms. I wish all a safe and speedy return home to their friends and families.

Ms. BORDALLO. Mr. Chairman, I rise today in strong support of H.R. 5122, the National Defense Authorization Act for Fiscal Year 2007. As my colleagues have stated, this bill includes so many provisions important to our national security and to the fighting men and women who serve our great nation in uniform. Many of them are deployed in combat zones around the world today. I have visited servicemembers in Iraq seven times now and my commitment, like the commitment of this Congress, remains to do everything necessary to provide the heroes sacrificing for our country with the resources they need to fight, to win, and to survive. We continue our important commitment to their quality of life including to their families with this bill.

I take this opportunity to thank Chairman HUNTER and Ranking Member SKELTON for the work that they and their staff members have done to include within this bill provisions important to the people of Guam and to servicemembers who serve on Guam.

For many years leaders on Guam have worked to grow the capability and capacity of the Guam Shipyard, an asset recognized to be of "vital strategic importance" to the Pacific Fleet. We learned over the past year that twice as many vessels in support of our Navy are repaired in foreign shipyards in the Pacific, particularly in Singapore, than are repaired in Guam. We also learned that Apra Harbor in Guam is treated as a foreign harbor although Guam and its shipyard are properly treated as a U.S. location. This bill includes important language to remedy these conflicts. I am deeply grateful to members of the committee

staff who traveled to Guam and Hawaii in January of this year to review this issue. I am also grateful to the many members of this committee who have visited Guam, including our colleague from Maryland, ROSCOE BARTLETT, and our colleague from Mississippi, GENE TAYLOR. Both Members visited the Guam Shipyard in March of this year and learned first-hand of the value the facility offers to the U.S. Navy.

In rewriting Section 7310 of Title 10, the Committee on Armed Services has made clear that Guam, including Apra Harbor, is fully and properly a U.S. location, and has further made clear that foreign ship repair for reasons of cost alone is unacceptable, particularly when shipyards like the Guam Shipyard are underutilized. Our first commitment must be to sustaining and growing the ship repair industry in America even if such endeavor costs slightly more money. We cannot depend on foreign yards or harbors in time of war for safety, security, reliability and availability. We must therefore remain committed to America's ship repair industry by ensuring stable work, and by extension, the stability of skilled workforce that is the backbone of the ship repair industry. On Guam this is especially true given that the Guam Shipyard represents a particularly important asset because of its strategic forward location. This bill makes a commitment to the Guam Shipyard and its skilled workers whom the people of Guam are so proud. This is a reflection of the great value these workers offer to the Pacific Fleet and to our national security. It is also a reflection of this Congress' unwillingness to outsource our national security. Finally, the language in this bill regarding ship repair is a reflection of the recently released Quadrennial Defense Review which indicates the growing strategic importance of the Pacific with increased Naval activity in the Pacific and therefore the likelihood of increased demands on facilities like the Guam Shipyard.

Mr. Chairman, I would also like to note that this bill requires a comprehensive study on the future of the Guam Shipyard. It is important that the Navy fully evaluate, during this time of change, how best to utilize, manage and grow the asset that is the Guam Shipyard. The report required by this bill is a responsible measure that ensures that the future of the Guam Shipyard is coordinated with the future of our Navy's national security needs in the Pacific.

Also included within this bill is an important provision that makes a commitment to our active duty servicemembers and their families. I worked closely with the committee and with military advocacy groups to secure inclusion of a measure to authorize servicemembers assigned to non-foreign areas outside the continental United States, areas that include Guam and Alaska, to ship a second personally owned vehicle to and from these locations upon assignment. This measure has long been sought by our active duty servicemembers. In an era when we say that we retain the family not just the servicemember, we have now passed a provision focused on the family. With military spouses pursuing their own careers and families venturing off bases for community activities, school commitments, and so much more, one car families are simply impractical—they are a thing of the past. Servicemembers assigned to non-foreign overseas areas, unlike their CONUS counterparts, are permitted to

bring only one vehicle with them to their new duty station at DOD expense. This created a situation in which many servicemembers had to hastily sell a car prior to reassignment, usually at a loss, only to buy a new car on arrival at their new duty location, again at a loss. This activity as repeated upon assignment back to a CONUS location. This practice placed an unacceptable burden on military families. I am pleased that this Congress has made a commitment to end this inequity. I know this provision is broadly supported by active duty servicemembers and further has the support of The Military Coalition. I hope that this provision will be accepted in conference and remain in the final bill.

Mr. Chairman, a third provision in this bill is important to Guam and to a recently reached agreement between the United States and Japan. This bill repeals a measure added in law some years ago to prohibit the hiring of foreign labor to work on military construction projects on Guam. Next year \$209 million in military construction projects are authorized by this bill to take place on Guam. Over the next ten years \$10.3 billion in military construction will be undertaken on Guam. The concern is now whether Guam can deliver the workforce necessary to accomplish these goals on this short timeline, not whether Guam's workforce is being supplanted or bypassed by foreign labor. Therefore, this authorization bill offers the opportunity to repeal this restrictive provision. Its inclusion will ensure contractors on Guam will be able to access the labor market needed for them to compete for and complete government contracts for military construction in the future. Additionally, without the ability to meet the upcoming workforce demands, there is some concern that agreements recently made with the Government of Japan for relocating Marines from Okinawa to Guam on a set timeline would not be able to be realized according to the envisioned, desired, and agreed upon schedule. Ensuring the availability of a workforce necessary to accomplish the construction required for Marines to move to Guam from Okinawa is an important part of meeting both the workforce demand on Guam and United States international commitments.

I have also worked to provide relief to military retirees residing on Guam whom have been disadvantaged by a Department of Defense interpretation of standing law. Retirees on Guam are only able to participate in TRICARE Standard due to the unavailability of TRICARE Prime on Guam. Retirees on Guam were previously reimbursed for travel they were required to make to Hawaii or elsewhere for specialty medical care otherwise available on Guam. Now, in light of a change in policy some 16 months ago and unfavorable DOD interpretation of TRICARE laws, when a retiree is referred by their TRICARE health provider off-island to receive specialty care that is unavailable on Guam a retiree must pay "out of pocket" for their travel expenses. Travel from Guam to Hawaii is costly and this creates a large and unfair burden on Guam's retirees. Additionally, this situation results in inequitable treatment for the veteran communities on Guam. A retiree, having served at least 20 years in the military, cannot receive reimbursement for travel necessary to receive medical care available only off of Guam. However, a veteran receiving care from the Department of Veterans Affairs referred for off-island care is reimbursed for his or her travel expenses.

I have raised this issue with the Department of Defense several times and continue to work with DOD for an equitable solution. Retirees on Guam deserve some relief. While this bill contains provisions important to the TRICARE system for members of the military community, it does not specifically address the outstanding issue for retirees on Guam. I will continue to work to resolve this issue. I filed an amendment to this bill with the Committee on Rules that would have provided some relief to retirees. This amendment was unfortunately not made in order and cannot be considered on the floor today. This amendment sought to provide an interim solution. It proposed to give retirees the ability to travel on military aircraft on a space available basis to and from the location of their referred healthcare at an increased priority level. Retirees are currently in the lowest priority category for space available travel. I will continue to work with the Department of Defense on this issue.

Finally, the island of Guam has a robust military recruiting program and many Chamorros and Guam residents join the Armed Services. In fact, Guam has a higher per capita service rate in the Guard and Reserve than any other U.S. location. However, for quite some time, these men and women have had to travel to Hawaii to process their enlistments at a Military Entrance Processing Station (MEPS). Included in this bill is language requiring the USMEPCOM to study the feasibility of establishing a MEPS station on Guam. The burden of processing each recruit through Hawaii significantly extends the time period for processing a recruit and adds additional cost for travel expenses. It is my hope that this review will lead to the re-establishment of a MEPS station on Guam responsive to Guam's Guard and Reserve and to U.S. active duty recruiters. I believe this would also reduce costs of processing a recruit and expedite enlistment.

I was pleased to work with the committee leadership to amend a current requirement in this legislation in such a way to require the Department of Defense to more closely evaluate the transformation it is undertaking of the National Guard and Reserve. It is important that the Department of Defense study closely how it will execute and fund Guard and Reserve transformation, including evaluating budgeting of the costs for equipment repair, transfer and procurement as well as an evaluation of the timeline the transformation will prove achievable. I have long advocated for full parity between active duty and Guard and Reserve forces. Transformation is an aggressive plan to achieve this parity although with significant reorganization of brigades and units within the reserve elements. The task, the cost and the risks must be fully evaluated to ensure transformation is achieved and that it is done in a way that makes our Guard and Reserve forces, who have shouldered so much of the burden in the war on terror, a better force. This transformation promise cannot be yet another in a long line of unfulfilled promises by the active duty components to their reserve counterparts.

Thank you, Mr. Chairman. I urge adoption of H.R. 5122.

The Acting CHAIRMAN. There being no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LAHOOD, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5122) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2007, and for other purposes, pursuant to House Resolution 811, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SALAZAR

Mr. SALAZAR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SALAZAR. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Salazar moves to recommit the bill H.R. 5122 to the Committee on Armed Services with instructions to report the same back to the House promptly with an amendment to the bill that inserts the text of H.R. 808, to repeal the offset from surviving spouse annuities under the military Survivor Benefit Plan for amounts paid by the Secretary of Veterans Affairs as dependency and indemnity compensation, as introduced in the House on February 15, 2005.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 5 minutes in support of his motion to recommit.

Mr. SALAZAR. Mr. Speaker, I stand here before you today in support of our troops and their families. This motion to recommit would send H.R. 5122 back to the Armed Services Committee with instructions to bring the bill back to the whole House with the addition of H.R. 808.

I commend my friend Mr. BROWN from South Carolina for introducing H.R. 808, a bill which now has 202 cosponsors, including myself. This bill would end the practice of penalizing surviving spouses of those who have

died as a result of service-connected injuries.

Mr. Speaker, the Military Families Tax affects over 50,000 families in the country. It is an unjust burden on those whose spouses served the Nation in defense of our freedom. I commend those families and call upon this House to vote an end to the unfair tax on survivor compensation.

Right now, if a soldier dies, their spouse will have the amount of the Survivor Benefit Plan reduced by the amount they received from the VA as dependency and indemnity compensation. For the loss of a loved one, we penalize spouses with a \$993 month reduction in their compensation. Our soldiers families do not deserve to be treated this way, and all of us should continue to fight until we can right this wrong.

I offered an amendment last year to the defense authorization bill that would have eliminated this unjust provision, but we denied a debate. The other body chose to include SBP relief, but the defense conferees failed to adopt it, and we were again denied the opportunity to fix this problem.

In November, my good friend, Mr. EDWARDS from Texas, started a discharge petition to bring H.R. 808 to the floor. That petition now has 168 signatories. Today, I ask my colleagues as fellow Americans to stand up for military widows.

Let us make a statement here today that the Military Families Tax is unjust, unfair and un-American.

□ 1615

Mr. Speaker, we should send this bill back to the committee and demand that they ease the burden on our military families. America can do better to provide for the families of our Nation's military heroes. I urge my colleagues to vote "yes" on this motion to recommit.

Mr. Speaker, I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, yesterday this House passed a tax bill that will give Lee Raymond, the just-retired CEO of ExxonMobil, a \$2 million dividend tax break, a \$2 million tax break for someone who was just given a \$398 million retirement benefit package.

That tax bill will cost \$70 billion. \$22 billion of that money will go to benefit those, such as Mr. Raymond, who are making over \$1 million a year. Surely if we could give Mr. Raymond a \$2 million tax break yesterday, then today, right now with one vote, we can afford to give military widows a chance to keep their \$933 a month in survivor benefits from the Veterans Administration.

The question is, whose side are we on? Mr. Raymond, a retired, overpaid executive from ExxonMobil, or some of the 50,000 surviving beneficiaries and family members, widows, of those who spent a lifetime serving our country?

Mr. Raymond made more income in 1 week than most military families

make in an entire lifetime of service to our country. Surely compassionate conservatism does not mean saying “yes” to Mr. Raymond’s tax break yesterday, but “no” to treating our military widows decently today.

I urge the 80 Republican colleagues of mine who cosponsored this legislation to back up your cosponsorship with your vote on this motion to recommit.

Let us stand up for the military families of this country.

Mr. SALAZAR. Mr. Speaker, I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HUNTER. I yield to the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Speaker, I want to thank our chairman, and I want to talk to the Members here to sadly inform them that our friend, Sonny Montgomery is struggling in the last moments of his life. And I want to thank the chairman and the ranking member, Mr. SKELTON from Missouri, for very appropriately and very fittingly naming this the G.V. “Sonny” Montgomery Defense Authorization Bill.

As you all know, Sonny Montgomery served in Congress for 30 years. For 14 years he was chairman of the Veterans Committee. His name and his legacy and his service are very rich and very deep, as he passed the G.V. “Sonny” Montgomery GI bill.

If you go back home to Mississippi, you see the G.V. “Sonny” Montgomery VA Hospital and National Guard complex. He was Mr. Veteran and he was Mr. National Guard, and he contributed greatly to the force that we have today and to the men and women who serve; and most importantly, he was an example to all of us of the best of this institution of civility, of common ground, of bipartisanship, of supporting the men and women that serve in our Nation’s military.

He has been my friend, and he has been my example. And so, Mr. Chairman, I want to thank you for naming this the G.V. “Sonny” Montgomery Defense Authorization Bill.

Mr. Speaker, he was also the spiritual leader of the House, always calling us to prayer and to remember those in need, those that were sick, and those that were facing challenges. Mr. Speaker, I ask this body to pray for Sonny Montgomery. May God have mercy on him, his life, and his legacy. Thank you, Mr. Chairman.

Mr. HUNTER. I thank the gentlemen from Mississippi. I am going to miss Sonny Montgomery, with that great smile that illuminated this House and all of our lives.

Ladies and gentlemen, this defense bill passed the committee by a vote of 60-1. It did that because we listened. My great partner on the committee, IKE SKELTON, and I and all of our subcommittee chairmen and ranking

members listened to all of the members, worked all of the issues that connect your constituents with you, with all of our troops around the world.

This is our connection, this defense bill, that provides for the policies that run their lives while they are in the military, that provide for the quality of life for their families back home, that provides for the tools that they need to undertake this dangerous mission in this war against terror.

This is your connection. And let me tell you, the theme of the bill this year was troop protection. And to those ends, we moved over \$100 million into new jammer capability for IEDs, lots of money, lots of additional money for armored platforms, lots of new technology for body armor for our soldiers, our sailors, our airmen, our Marines. At the same time, for our National Guardsmen, we completed this transition, even when they are not mobilized, for TRICARE, for our health care program. We did great things.

And for those people who have fallen, I want to remind you that last year we moved up that benefit, and it should have been done a long time ago, to half a million dollars in cash for the families of our fallen heroes so that they could carry on their lives.

This bill is your connection to the troops. We did a good job. And I would ask you to trust us, to trust the members of this committee. And with all due respect to the gentlemen who just offered this amendment, you will notice there was no motion to recommit offered by a member of the committee, and that is because this is a good bill. It does a good job. It gives the tools to the troops in this war against terrorism that they need.

Vote against this motion to recommit. Vote for the bill.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SALAZAR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 5122, if ordered, and on the motion to suspend with respect to H. Res. 802.

The vote was taken by electronic device, and there were—ayes 202, noes 220, not voting 10, as follows:

[Roll No. 144]

AYES—202

Abercrombie	Andrews	Baldwin
Ackerman	Baca	Barrow
Allen	Baird	Bean

Beauprez	Higgins	Owens
Becerra	Hinchev	Pallone
Berkley	Hinojosa	Pascarell
Berman	Holden	Pastor
Berry	Holt	Paul
Bishop (GA)	Honda	Payne
Bishop (NY)	Hoolley	Pelosi
Blumenauer	Hoyer	Peterson (MN)
Boren	Inslee	Pomeroy
Boswell	Johnson, E. B.	Price (NC)
Boucher	Jones (NC)	Rahall
Boyd	Jones (OH)	Rangel
Brady (PA)	Kanjorski	Rangel
Brown (OH)	Kaptur	Reyes
Brown, Corrine	Kildee	Ross
Butterfield	Kilpatrick (MI)	Rothman
Capps	Kind	Roybal-Allard
Capuano	Kucinich	Ruppersberger
Cardin	Langevin	Rush
Carnahan	Lantos	Ryan (OH)
Carson	Larsen (WA)	Sabo
Case	Larson (CT)	Salazar
Chandler	Leach	Sánchez, Linda
Clay	Lee	T.
Cleaver	Levin	Sanchez, Loretta
Clyburn	Lewis (GA)	Sanders
Conyers	Lipinski	Schakowsky
Cooper	Lofgren, Zoe	Schiff
Costa	Lowey	Schwartz (PA)
Costello	Lynch	Scott (GA)
Cramer	Maloney	Scott (VA)
Crowley	Markey	Serrano
Cuellar	Marshall	Shays
Cummings	Matheson	Sherman
Davis (AL)	Matsui	Skelton
Davis (CA)	McCarthy	Slaughter
Davis (FL)	McCollum (MN)	Smith (WA)
Davis (IL)	McDermott	Snyder
Davis (TN)	McGovern	Solis
DeFazio	McIntyre	Spratt
DeGette	McNulty	Stark
Delahunt	Meehan	Strickland
DeLauro	Meek (FL)	Stupak
Dicks	Melancon	Tanner
Dingell	Michaud	Tauscher
Doggett	Millender-	Taylor (MS)
Doyle	McDonald	Thompson (CA)
Edwards	Miller (NC)	Thompson (MS)
Emanuel	Miller, George	Tierney
Engel	Mollohan	Towns
Eshoo	Moore (KS)	Udall (CO)
Etheridge	Moore (WI)	Udall (NM)
Farr	Moran (VA)	Velázquez
Fattah	Murtha	Vislosky
Filner	Nadler	Wasserman
Ford	Napolitano	Schultz
Frank (MA)	Near (MA)	Waters
Gonzalez	Neal (MA)	Watson
Gordon	Oberstar	Watt
Green, Al	Obey	Waxman
Green, Gene	Olver	Weiner
Grijalva	Ortiz	Wexler
Gutierrez		Wilson (NM)
Harman		Woolsey
Hastings (FL)		Wu
Herseth		Wynn

NOES—220

Aderholt	Campbell (CA)	Ferguson
Akin	Cannon	Fitzpatrick (PA)
Alexander	Cantor	Flake
Bachus	Capito	Foley
Baker	Carter	Forbes
Barrett (SC)	Castle	Fortenberry
Bartlett (MD)	Chabot	Fossella
Barton (TX)	Chocola	Foxx
Bass	Coble	Franks (AZ)
Biggert	Cole (OK)	Frelinghuysen
Bilirakis	Conaway	Galleghy
Bishop (UT)	Crenshaw	Gerlach
Blackburn	Cubin	Gibbons
Blunt	Culberson	Gilchrest
Boehlert	Davis (KY)	Gillmor
Boehner	Davis, Jo Ann	Gingrey
Bonilla	Davis, Tom	Gohmert
Bonner	Deal (GA)	Goode
Bono	DeLay	Goodlatte
Boozman	Dent	Granger
Boustany	Diaz-Balart, L.	Graves
Bradley (NH)	Diaz-Balart, M.	Green (WI)
Brady (TX)	Doolittle	Gutknecht
Brown (SC)	Drake	Hall
Brown-Waite,	Dreier	Harris
Ginny	Duncan	Hart
Burgess	Ehlers	Hastings (WA)
Burton (IN)	Emerson	Hayes
Buyer	English (PA)	Hayworth
Calvert	Everett	Hefley
Camp (MI)	Feehey	Hensarling

Heger	McKeon	Ros-Lehtinen	Boehlert	Fossella	Marchant	Sanchez, Loretta	Sodrel	Upton
Hobson	McMorris	Royce	Boehner	Fox	Marshall	Sanders	Solis	Van Hollen
Hoekstra	Mica	Ryan (WI)	Boehner	Franks (AZ)	Matheson	Saxton	Souder	Visclosky
Hostettler	Miller (FL)	Ryun (KS)	Bonner	Frelinghuysen	Matsui	Schiff	Spratt	Walden (OR)
Hulshof	Miller (MI)	Saxton	Bono	Galleghy	McCarthy	Schmidt	Stearns	Walsh
Hunter	Miller, Gary	Schmidt	Boozman	Gerlach	McCaull (TX)	Schwartz (PA)	Strickland	Wamp
Hyde	Moran (KS)	Schwarz (MI)	Boren	Gibbons	McCollum (MN)	Schwartz (MI)	Stupak	Wasserman
Inglis (SC)	Murphy	Sensenbrenner	Boswell	Gilchrest	McCotter	Scott (GA)	Sullivan	Schultz
Issa	Musgrave	Sessions	Boucher	Gillmor	McCrery	Scott (VA)	Sweeney	Watson
Istook	Myrick	Shadegg	Boustany	Gingrey	McGovern	Sensenbrenner	Tancredo	Waxman
Jenkins	Neugebauer	Shaw	Boyd	Gohmert	McHenry	Sessions	Tanner	Weiner
Jindal	Ney	Sherwood	Bradley (NH)	Goode	McHugh	Shadegg	Tauscher	Weldon (FL)
Johnson (CT)	Northup	Shimkus	Brady (PA)	Goode	McIntyre	Shaw	Taylor (MS)	Weldon (PA)
Johnson (IL)	Norwood	Shuster	Brady (TX)	Goodlatte	McKeon	Shays	Taylor (NC)	Weller
Johnson, Sam	Nunes	Simmons	Brown (OH)	Gordon	McMorris	Sherman	Terry	Westmoreland
Keller	Nussle	Simpson	Brown (SC)	Granger	McNulty	Sherwood	Thomas	Wexler
Kelly	Osborne	Sodrel	Brown, Corrine	Graves	Meehan	Shimkus	Thompson (CA)	Whitfield
King (IA)	Otter	Souder	Brown-Waite,	Green (WI)	Meek (FL)	Shuster	Thompson (MS)	Wicker
King (NY)	Oxley	Stearns	Ginny	Green, Al	Meeks (NY)	Simmons	Thornberry	Wilson (NM)
Kingston	Pearce	Sullivan	Burgess	Green, Gene	Melancon	Simpson	Tiahrt	Wilson (SC)
Kirk	Pence	Sweeney	Burton (IN)	Gutierrez	Mica	Skelton	Tiberi	Wolf
Kline	Peterson (PA)	Tancredo	Butterfield	Gutknecht	Michaud	Slaughter	Towns	Wu
Knollenberg	Petri	Taylor (NC)	Buyer	Hall	Millender-	Smith (NJ)	Turner	Wynn
Kolbe	Pickering	Terry	Calvert	Harman	McDonald	Smith (WA)	Udall (CO)	Young (AK)
Kuhl (NY)	Pitts	Thomas	Camp (MI)	Harris	Miller (FL)	Snyder	Udall (NM)	Young (FL)
LaHood	Platts	Thornberry	Campbell (CA)	Hart	Miller (MI)			
Latham	Poe	Tiahrt	Cannon	Hastings (FL)	Miller (NC)			
LaTourette	Pombo	Tiberi	Cantor	Hastings (WA)	Miller, Gary	Baldwin	Kucinich	Payne
Lewis (CA)	Porter	Turner	Capito	Hayes	Mollohan	Capps	Lee	Schakowsky
Lewis (KY)	Price (GA)	Upton	Cardin	Hayworth	Moore (KS)	Capuano	Lewis (GA)	Serrano
Linder	Pryce (OH)	Walden (OR)	Carnahan	Hefley	Moran (KS)	Conyers	Markey	Stark
LoBiondo	Putnam	Walsh	Carson	Hensarling	Moran (VA)	Frank (MA)	McDermott	Tierney
Lucas	Radanovich	Wamp	Carter	Herger	Murphy	Grijalva	McKinney	Velázquez
Lungren, Daniel	Ramstad	Weldon (FL)	Case	Herse	Murtha	Holt	Miller, George	Waters
E.	Regula	Weldon (PA)	Castle	Higgins	Musgrave	Honda	Moore (WI)	Watt
Mack	Rehberg	Weller	Chabot	Hinche	Myrick	Insee	Olver	Woolsey
Manzullo	Reichert	Westmoreland	Chandler	Hinojosa	Nadler	Jackson (IL)	Owens	
Marchant	Renzi	Whitfield	Choccola	Hobson	Napolitano	Kilpatrick (MI)	Paul	
McCaull (TX)	Reynolds	Wicker	Clay	Hoekstra	Neal (MA)			
McCotter	Rogers (AL)	Wilson (SC)	Cleaver	Holden	Neugebauer			
McCrery	Rogers (KY)	Wolf	Clyburn	Hooley	Ney	Cardoza	Garrett (NJ)	Smith (TX)
McHenry	Rogers (MI)	Young (AK)	Coble	Hostettler	Northup	Evans	Kennedy (RI)	
McHugh	Rohrabacher	Young (FL)	Cole (OK)	Hoyer	Norwood			
			Conaway	Hulshof	Nunes			
			Cooper	Hunter	Nussle			
			Costa	Hyde	Oberstar			
			Costello	Inglis (SC)	Obey			
			Cramer	Israel	Ortiz			
			Crenshaw	Issa	Osborne			
			Crowley	Istook	Otter			
			Cubin	Jackson-Lee	Oxley			
			Cuellar	(TX)	Pallone			
			Culberson	Jefferson	Pascrell			
			Cummings	Jenkins	Pastor			
			Davis (AL)	Jindal	Pearce			
			Davis (CA)	Johnson (CT)	Pelosi			
			Davis (FL)	Johnson (IL)	Pence			
			Davis (IL)	Johnson, E. B.	Peterson (MN)			
			Davis (KY)	Johnson, Sam	Peterson (PA)			
			Davis (TN)	Jones (NC)	Petri			
			Davis, Jo Ann	Jones (OH)	Pickering			
			Davis, Tom	Kanjorski	Pitts			
			Deal (GA)	Kaptur	Platts			
			DeFazio	Keller	Poe			
			DeGette	Kelly	Pombo			
			DeLauro	Kennedy (MN)	Pomeroy			
			DeLay	Kildee	Porter			
			Dent	Kind	Price (GA)			
			Diaz-Balart, L.	King (IA)	Price (NC)			
			Diaz-Balart, M.	King (NY)	Pryce (OH)			
			Dicks	Kingston	Putnam			
			Dingell	Kirk	Radanovich			
			Doggett	Kline	Rahall			
			Doolittle	Knollenberg	Ramstad			
			Doyle	Kolbe	Rangel			
			Drake	Kuhl (NY)	Regula			
			Dreier	LaHood	Rehberg			
			Duncan	Langevin	Reichert			
			Edwards	Lantos	Renzi			
			Ehlers	Larsen (WA)	Reyes			
			Emanuel	Larson (CT)	Reynolds			
			Emerson	Latham	Rogers (AL)			
			Engel	LaTourette	Rogers (KY)			
			English (PA)	Leach	Rogers (MI)			
			Eshoo	Levin	Rohrabacher			
			Etheridge	Lewis (CA)	Ros-Lehtinen			
			Everett	Lewis (KY)	Ross			
			Farr	Linder	Rothman			
			Fattah	Lipinski	Roybal-Allard			
			Feeney	LoBiondo	Royce			
			Ferguson	Lofgren, Zoe	Ruppersberger			
			Filner	Lowe	Rush			
			Fitzpatrick (PA)	Lucas	Ryan (OH)			
			Flake	Lungren, Daniel	Ryan (WI)			
			Foley	E.	Ryun (KS)			
			Forbes	Lynch	Sabo			
			Ford	Mack	Salazar			
			Fortenberry	Maloney	Sánchez, Linda			
				Manzullo	T.			

NOT VOTING—10

Cardoza	Kennedy (RI)	Smith (TX)
Evans	McKinney	Van Hollen
Garrett (NJ)	Meeks (NY)	
Kennedy (MN)	Smith (NJ)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1637

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. VAN HOLLEN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 396, noes 31, not voting 5, as follows:

[Roll No. 145]

AYES—396

Abercrombie	Baker	Berman
Ackerman	Barrett (SC)	Berry
Aderholt	Barrow	Bigert
Akin	Bartlett (MD)	Bilirakis
Alexander	Barton (TX)	Bishop (GA)
Allen	Bass	Bishop (NY)
Andrews	Bean	Bishop (UT)
Baca	Beauprez	Blackburn
Bachus	Becerra	Blumenauer
Baird	Berkley	Blunt

NOES—31

Baldwin	Kucinich	Payne
Capps	Lee	Schakowsky
Capuano	Lewis (GA)	Serrano
Conyers	Markey	Stark
Frank (MA)	McDermott	Tierney
Grijalva	McKinney	Velázquez
Holt	Miller, George	Waters
Honda	Moore (WI)	Watt
Insee	Olver	Woolsey
Jackson (IL)	Owens	
Kilpatrick (MI)	Paul	

NOT VOTING—5

Cardoza	Garrett (NJ)	Smith (TX)
Evans	Kennedy (RI)	

□ 1645

Ms. KILPATRICK of Michigan changed her vote from “aye” to “no.” So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: “A bill to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.”

A motion to reconsider was laid on the table.

Stated for:

Mr. CARDOZA. Mr. Speaker, I regret that I was unable to be present for the following roll-call vote today due to a death in the family. Had I been present, I would have voted “aye” on H.R. 5122 (the National Defense Authorization Act).

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 5122, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5122, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, and that the Clerk be authorized to make the additional technical corrections which are at the desk.