equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services.

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

Mr. KUCINICH. Reserving the right to object, Mr. Speaker, this report contains hundreds, if not over a thousand pages. Is that my understanding?

Mr. DREIER. Mr. Speaker, will the gentleman yield under his reservation?

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

Mr. DREIER. Let me just say that this is the conference report that has been out there, has been widely available, and has been written about and addressed by the media and Members.

I know that both the minority and the majority are very enthusiastic about the prospect of moving this extraordinarily important defense authorization conference report as expeditiously as possible, and I thank my friend for yielding.

Mr. KUCINICH. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

VACATING ORDERING OF YEAS AND NAYS ON HOUSE RESOLUTION 632, WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the House vacate the ordering of the yeas and nays on adoption of House Resolution 632 to the end that the Chair may put the question on the resolution de novo.

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

Mr. KUCINICH. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. DREIER. Mr. Speaker, I will propound the request again.

Mr. Speaker, I ask unanimous consent that the House vacate the ordering of the yeas and nays on adoption of House Resolution 632 to the end that the Chair may put the question on the resolution de novo.

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

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

Mr. HUNTER. Mr. Speaker, pursuant to the order of the House of today, I call up the conference report on the bill (H.R. 1815) to authorize appropriations for fiscal year 2006 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.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report now under consideration.

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

There was no objection.

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

To my colleagues who have labored long and hard to get this Defense bill to the floor and to get the conference to the floor, I want to thank everyone. This is a very, very important bill. It does wonderful things for our men and women in uniform.

We have a 3.1 percent pay raise across the board. We have TRICARE expansion. We have an expansion of hazardous duty pay and an expansion of combat pay. We have a very substantial section devoted, some $76 billion, to modernization and some $70 billion to research development and testing. We have a very substantial military construction section that will accrue to the benefit of all of our people in uniform who are concerned about having adequate housing and a good place to work. And most important, Mr. Speaker, this bill moves lots of ammunition, lots of armor, lots of equipment to our people in the warfighting theaters in Iraq and Afghanistan, and it provides also for a $50 billion supplemental authorization to enable us to bridge the time between now and the next supplemental that we can see coming down the pike next year.

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This answers our call to duty, Mr. Speaker, which is to provide the tools to our men and women in uniform to win the war against terror. And let me just say at this point, Mr. Speaker, that we could not have done this, especially in such a short period of time, if we did not have such extraordinary members on the House Armed Services Committee, Democrat and Republican, of whom I am very proud; and a wonderful staff which has worked in some cases 16- and 18-hour days to bring this bill to fruition and to work this conference report with a very, very short time schedule.

I want to point out, first, my friend, the gentleman from Missouri (Mr. SKELTON), who is a wonderful friend and partner in this endeavor to serve our people in uniform. He has just done a great job working with me and working with his members. Our ranking members, our chairmen of the subcommittees all have done a wonderful job, as have all of our members right down through the entire ranks of the members of the Armed Services Committee.

So this is a good bill, Mr. Speaker. It provides the tools for our men and women to do the job. I also want to point out the fact that we have increased 10,000 Army and 1,000 Marine active-duty personnel in this bill. That is a very important point, Mr. Speaker, because we have cut the Army over the last 15 years from 18 divisions to only 10.

It is important to move additional personnel. Right now we have more people on the ground under the President's license to call up more people; but we think it is important to move the official end strengths, and we have done that in this bill.

So, Mr. Speaker, we have a great bill, and I want to thank all the Members who have participated.

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

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

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

Mr. SKELTON. Mr. Speaker, I first wanted to ask the chairman a question, because I am not sure I heard him a moment ago. Does the chairman confirm that this conference report is the report of the conferees as signed and intended to come to the floor as it was on 3 p.m. Friday?

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

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

Mr. HUNTER. Mr. Speaker, I want to assure my friend that the report that was just filed is the exact precise same report, without a comma changed, that was in fact signed by all members, Democrat and Republican.

Mr. SKELTON. Mr. Speaker, I thank the gentleman, and I rise in strong support of this conference report. Once again, I am proud to be part of the process that delivers our troops the support they need.

Let me take this moment to commend our chairman, Mr. HUNTER, for his work on this bill. This is important

work, and I applaud all the members of the Armed Services Committee on both sides of the aisle.

Mr. Speaker, I submit for the RECORD at this point two letters, one signed by JOHN WARNER and CARL LEVIN and one signed by Erin Conaton on my behalf.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, December 18, 2005.

Hon. DUNCAN HUNTER,
Chairman, Armed Services Committee, Chairman, National Defense Authorization Act for Fiscal Year 2006 Conference, Washington, DC.

DEAR DUNCAN: On Friday, December 16, we joined you and Ike Skelton in conducting the final meeting of the conferees along with other Members of the Senate and House.

At the conclusion of the meeting the ''base bill'' was agreed upon and signatures of Republican and Democratic Committee Members were requested and affixed to the Conference Report with the expectation that the House, following the customary procedure, would be the first chamber to file. It was our further understanding that this would be done Friday evening.

We are returning to you the signatures of the Senate conferees on the condition that there are no changes made in the ''base bill'' and Conference Report and that the House obtain a Rule which precludes any further amendment.

You have shown strong leadership during this very brief and unusual conference period and we have confidence that you can achieve passage in the House of the ''base bill''. We believe it is in the interest of the Nation aud the men and women of the Armed Forces that our Conference Report as agreed to on December 16 becomes law.

Sincerely,

CARL LEVIN,
Ranking Member.
JOHN WARNER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, December 18, 2005.

On Mr. Shelton's behalf, I am returning the signatures of the House Democratic conferees on the condition that there be no changes made in the ''base bill'' and Conference Report and that we obtain a Rule which precludes any further amendment. The signatures of the outside Democratic conferees remain attached to the conference report with the same understanding. Thank you very much.

Sincerely,

ERIN CONATA,
Minority Staff Director.

As most of you know, this conference report was ready to be filed Friday at 5 o'clock. The attempt to insert new and unrelated material into this defense authorization bill was wrong. It would have jeopardized the many good things in this package for the troops. I am very pleased that the Republican leadership reconsidered and I thank the Chairman for his efforts to restore the conference report to its original form.

This is a good bill. There are many things in this bill about which we all can be proud. I have long argued that we need more troops, and this bill raises end strength for the Army by 30,000 and for the Marine Corps by 4,000. It delivers our service members a well-earned 3.1% pay raise. We can never put a value on the service of those who pay the ultimate price in defense of our freedom, but this conference report increases the death gratuity for all active and activated service members to $100,000, retroactive to October 7, 2001. And for the first time ever, all reservists who agree to continue service in the Selected Reserves will have an opportunity, depending on their status, to buy into a government subsidized TRICARE Standard health care program for themselves and their families.

While much of our attention is focused on the current wars we're fighting, we must not lose sight of other security challenges that loom across the globe. With those in mind, I am also pleased to say that this bill requires the Navy to maintain 12 aircraft carriers. It also authorizes them to buy five more ships, but it does so in a way that will limit the rampant cost growth in the acquisition process.

Those are just a few examples of the good work in this bill. I commend all of the Chairmen and Ranking members of the Armed Services' subcommittees for the excellent work they have done on this conference report and throughout the year.

Finally, I'd like to address an issue to which much attention has been paid, and rightly so—the question of the treatment of detainees. These critical matters suffered the most from the lack of meaningful process and debate.

I am extremely pleased that Senator MCCAIN'S amendment involving the prohibition on torture and uniform standards for interrogating detainees has passed. This is a wonderful step to help us regain our rightful place on the summit of the moral high ground.

However, I am concerned that Senator MCCAIN's language could be undercut by the Graham-Levin Amendment. This amendment was negotiated largely in a closed process by the White House and a select few Majority members. It addresses many aspects of the Combatant Status Review Tribunals and military commissions in Guantanamo Bay but there are serious questions about the procedures and they are currently being challenged in federal court. There are also questions about the Amendment's impact on our judicial system and law that's been in existence since the founding of our nation. I expect the courts will have a real challenge interpreting the Amendment's meaning. At the very least—the Graham-Levin Amendment should not apply retroactively or to any pending cases.

In summary, Mr. Speaker, this is not a perfect bill, but it does great things for our troops. I again congratulate Chairman HUNTER and urge its adoption.

For the past two days, the future of the Defense Authorization bill has been held hostage for an unrelated and controversial piece of legislation that had no connection to defense. My colleagues and I expressed our deep concern with this, and I am truly pleased to see this bill in its original form come before the House tonight.

In a time of war, it is essential that we provide our men and women in uniform with the resources and equipment they need to succeed, and I am pleased that the leadership of this House finally relented and allowed us to do that. Legislation for our men and women in uniform should never be put in jeopardy for political reasons.

This legislation provides for the initiation and continuation of many important policies that will benefit our servicemen and women, as well as their families upon its final passage. This is a wonderful way to honor them during the holiday season for all they have done throughout the year.

I am extremely pleased with this bill, and commend all of my colleagues who have worked so hard for its passage.

This statement addresses the provisions regarding the treatment of detainees that were under consideration for inclusion in the FY 06 Defense Authorization Conference Report (referred to as the McCain amendment and Graham-Levin amendment provisions, and sections 1401–1406).

First, I am deeply troubled by the lack of open and meaningful process and debate in the House and Senate on these complex and critical matters that affect our troops and intelligence officers—and our national security. There are real differences of opinion on these matters—and they should have been given the fullest debate and vetting because of their implications. Yet, they have been negotiated largely behind closed doors by the White House and a select few majority Members of Congress.

With respect to the Graham-Levin amendment provisions (section 1405) and other detainee provisions (particularly section 1404), there are many unanswered questions and serious concerns about the impact of the provisions on our judicial system and law that has been in existence since the founding of our Nation—and the final negotiated Conference Report language lacks clarity—leaving much open to interpretation.

I expect the courts will have a real challenge interpreting the meaning of these provisions. I also fear that the provisions do not provide our troops and intelligence officers with the clear guidance and protection they need in combating the war on terror.

In addition, I am concerned about the potential for the provisions to significantly undercut the effectiveness of the McCain amendment (sections 1402 and 1403)—an amendment that would help us regain our standing and leadership on moral issues; obtain reliable intelligence, which is not obtained when torture is employed; and protect our troops and intelligence officers, by setting the standard of treatment by which we expect them to be similarly treated.

Although the main professed intent for the Graham-Levin amendment provisions and other detainee provisions (particularly section 1404) was to limit lawsuits and protect our troops and intelligence officers—I am very concerned about the potential for the provisions to do just the opposite.

Specific concerns with respect to the Graham-Levin amendment provisions include the following:

First, the provisions address many aspects of the Combatant Status Review Tribunals (CSRTs) and military commissions at Guantanamo Bay, Cuba—yet Congress has not authorized these procedures and their legality is currently being challenged in federal court. There are concerns that detainees are not given a hearing before a CSRT within a reasonable period of time; they do not have access to their attorneys or evidence; some have not been released from detention after being cleared of wrongdoing by a CSRT; and there has never been a military commission trial, despite the President's suggestion that, given the events of September 11th, it was necessary to establish these new commissions so people could be tried immediately.

Second, the original Graham-Levin amendment would have prohibited CSRTs from using

evidence obtained with undue coercion. However, the final negotiated provisions for the Conference Report leave open the possibility that CSRTs and military commissions could consider coerced evidence. As Senator LEVIN has pointed out, this cuts against the centuries-old principle of Anglo-American law, enshrined in the 5th Amendment to the Constitution, that no person shall be compelled to be a witness against himself.

Third, it is not clear what recourse a detainee would have if there is a legitimate claim of torture, in part given the limitations on court jurisdiction. While the original Graham-Levin amendment would have eliminated federal court jurisdiction only for habeas corpus actions, the final negotiated Conference Report provisions eliminate ''any other action against the United States or its agents relating to any aspect of the detention'' at Guantanamo Bay. Further, it is true that the Graham-Levin amendment provisions allow for review of CSRT and military commission decisions by the United States Court of Appeals for the District of Columbia Circuit. However, there must first be a CSRT or military commission decision—and as noted above, there are serious concerns about the process surrounding these decisions. In addition, even after a CSRT or military commission decision, the Graham-Levin amendment provisions limit access to the Court of Appeals and the Court's scope of review—and do not ensure a sufficient factual record.

It is also important to note that we have tried and tested military regulations in place that are excellent, including Army Regulation 190–8. These regulations have effectively governed detention procedures in our past wars—and made it unnecessary to file habeas and other claims or set up tribunals and military commissions, such as those currently operating at Guantanamo Bay. Many have argued, the problem is really that existing military regulations have not been followed. We could have simply passed an Amendment that addresses this problem going forward and left the courts' jurisdiction alone with respect to existing claims. But this was not done and here's where we are.

At least, as Senator LEVIN has emphasized, the Graham-Levin amendment provisions do not apply to or alter pending habeas cases. The Senate voted to remove language from the original Graham amendment that would have applied the habeas-stripping provision to pending cases, affirming that it did not intend such application. Further, under the Supreme Court's ruling in *Lindh* v. *Murphy*, 521 U.S. 320 (1997), the fact that Congress chose not to explicitly apply the habeas-stripping provision to pending cases means that the courts retain jurisdiction to consider these appeals. Finally, the effective date language in the original Graham-Levin amendment, and Senate passed Defense Authorization Bill (S. 1042 section 1092), was retained in the final negotiated language for the Conference Report, thereby adopting the Senate position that the habeas-stripping provision does not strip the courts of jurisdiction in pending cases.

In closing, I emphasize that Congress must exercise diligent oversight on detainee matters going forward. Such matters must be subject to a more open and deliberative process—and handled more thoughtfully and responsibly in the future.

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

Mr. HUNTER. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. WELDON), the distinguished chairman of the Air, Land Subcommittee.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to pay tribute to our distinguished chairman and the distinguished ranking member for such a fantastic job under very difficult circumstances to get this conference report to the floor. This was a very difficult piece of legislation, but the chairman persevered and we are very happy to have the legislation here tonight.

I know our soldiers all around the world are happy that this bill is going to be brought forward because there are so many positive things in it. I have the particular pleasure of serving as the chairman of the Air, Land Subcommittee; and I want to pay tribute to my good friend and ranking member, Mr. ABERCROMBIE from Hawaii, who is not here right now, for the excellent work that he did.

In supporting the global war on terrorism in our area, we have included a number of additional programs, including $450 million for up-armored Humvees, $260 million for other armored tactical vehicles, $450 million for small arms, $250 million for ammunition, $30 million for Stryker combat vehicle combat losses, $180 million for radios, $117 million for blue force tracking, $285 million for night vision devices, $35 million to counter improvised explosive devices, $108 million for countering rockets, artillery, and mortars, $50 million for Hellfire missiles, and $180 million for unmanned aerial vehicles.

Mr. Speaker, these are all critically important platforms for the troops in the ongoing battle against terrorism, as well as the theater of operation.

We have also reinstated the C–130J multiyear procurement. We have put some language on the future combat systems budget. We reduced it by $50 million to make sure we are giving the taxpayers the best possible oversight of the SCS program.

We have also attempted to put some more accountability in the DOD acquisition programs and significant language in other provisions that we think are going to provide the taxpayers and the warfighter with more accountability and more efficiency.

Mr. Speaker, I want to pay particular thanks to the leadership, both Mr. SKELTON and Mr. HUNTER, for including two very important commissions that we worked hard to achieve, the Nuclear Strategy Forum and the EMP Commission. I want to pay particular thanks to Mr. ROSCOE BARTLETT, Chairman BARTLETT, for his outstanding work on this issue. The EMP Commission now will have an ongoing process of evaluating our military platforms against the threat of an EMP.

Overall, Mr. Speaker, this process has been long. I think this is the latest we have ever gone with the Defense authorization bill, and the credit for all of this outstanding work goes to my distinguished chairman. He is a great American. The one thing about Mr. HUNTER and the one thing about Mr. SKELTON, everything that we do, they keep in mind the warfighter, the soldier. Each of them has made trip after trip into the theater, into Iraq, into Afghanistan, meeting the troops and making sure that we are in fact holding the Defense Department accountable to giving our troops the best possible equipment and technology.

I am happy to support this conference report. I would ask all of our colleagues to give an overwhelming vote of support for this. Again I want to thank the distinguished chairman and ranking member for their leadership.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

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

Mr. ORTIZ. Mr. Speaker, I am pleased to speak today in support of the Readiness Subcommittee portions of the defense authorization bill. This bill represents a lot of hard work and bipartisan work on the part of the members of this committee. This bill provides nearly $126 billion to the Department of Defense for the operation and maintenance, the needs of our military, and over $12 billion for military construction. In addition, the authorization contains some important policy direction for the Department of Defense. One of the important provisions of the bill would protect the interest of civilian workers in the Department of Defense during public-private competition, another that extends the reimbursement of equipment purchased by soldiers with their own money, and still another will eliminate some of the restrictions that keep our wounded servicemembers from receiving gifts and support from Americans who want to help these soldiers.

I am pleased with these outcomes but I am very disappointed with how the conference on this bill was conducted. The majority leadership's delay on appointing conferees for this bill until after the conference report was completed is really shameful. This was not a conference. Only a few Members had a hand in the deliberations and other Members who have an interest in this bill were shut out of this process. I sincerely hope that this will not be the norm for conferencing future defense bills. Our national defense deserves a more careful, inclusive and deliberative approach.

The war in Iraq and the global war on terror are creating many challenges for the readiness of our Armed Forces. The services have many pressing needs in every area covered by the Readiness Subcommittee. It is impossible to fully

address those needs, Mr. Speaker, but this report reflects a balance of many competing demands to ensure that our troops are equipped and ready to defend our Nation. I appreciate that the Members on both sides of the aisle were able to put this bill together and bring it to the floor this early in the morning.

Mr. HUNTER. Mr. Speaker, I yield for a unanimous consent request to the distinguished gentleman from Alabama (Mr. EVERETT), who has done such a great job as chairman of the Strategic Subcommittee.

Mr. EVERETT. Mr. Speaker, I want to thank the chairman for the job that he has done and the ranking member for the job he has done.

Mr. Speaker, I want to start by recognizing the gentleman from California, our Chairman, an old-time friend of mine and I think probably the most patient chairman I have ever served with in my years in Congress. His skill in leading this committee has been outstanding.

And we also have the contributions of the gentleman from Missouri. Someone I admire very much and who has good memories of the town I was born in and now live—Dothan, AL.

I rise in support of the conference report to accompany the fiscal year 2006 National Defense Authorization Act (H.R. 1815). This legislation supports the administration's objective while making significant improvements to the budget request. Moreover, our national security investment must continue the development of transformational capabilities of future systems, and this conference report meets that goal.

In the area of military space, the Department of Defense has embraced the benefits space provides to our warfighter. Unfortunately, the DOD has experienced significant acquisition problems on several high-priority programs. I look forward to working with the DOD to correct areas of concern and ensure their success for the future.

Within the atomic energy defense activities of the Department of Energy, the bill funds the National Nuclear Security Administration at $9.2 billion. The conference report includes legislation establishing the objectives of the Reliable Replacement Warhead program, a program that enjoys bipartisan support to ensure our nuclear stockpile remains reliable, safe and secure.

The Conferees have funded defense environmental cleanup activities at $6.2 billion.

Finally, Mr. Speaker, I would be remiss if I did not recognize my Ranking Member, the gentleman from Texas for his contribution, and the remainder of my subcommittee Members on both sides of the aisle, and their staff. I think we faced some of the most difficult policy decisions in the House Armed Services Committee and I want to express my appreciation for their hard work in protecting this Nation's security.

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from Washington (Mr. DICKS) for a colloquy.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Speaker, I would like to engage the chairman of the Armed Services Committee in a colloquy.

Mr. Chairman, I understand that the conference report does not include the language from the House bill precluding procurements from companies that benefit from illegal foreign subsidies. Is that correct?

Mr. HUNTER. That is correct. As the gentleman knows, I have long supported efforts to protect American businesses and workers from illegal trade practices. Unfortunately, the conferees were unable to come to an agreement that would allow us to include this important language in the final conference report.

Mr. DICKS. Mr. Speaker, for over 30 years various European governments have provided subsidies to the European civil aircraft industry. These subsidies helped the fledgling European aircraft industry get started in a highly competitive world market. Now $30 billion in subsidies later, Europe is the world's largest producer of commercial aircraft. Mr. Chairman, would you agree that the aircraft production industry is one of the areas that is of particular concern with respect to foreign subsidies?

Mr. HUNTER. Absolutely. Foreign governments should not be allowed to underwrite the risk of corporations involved in developing new airframes, especially when it is at the expense of the American worker. I want to assure my friend that the Armed Services Committee will continue its oversight on this issue, that we are going to revisit it next year.

Let me just leave the formal colloquy to say to my friend that my philosophy is that the American worker pays the taxes that fund these enormously expensive programs that manifest in this bill for $441 billion, that projects American power around the world in defense of the free world and provides an umbrella of freedom for hundreds of countries. It is only equitable and fair that the American taxpayer who pays for the defense of the free world should be able to involve themselves in making the very expensive equipment that we utilize. I can assure my friend that I will continue to work with him to make sure that when those great Americans in uniform come home from places like Iraq and Afghanistan they have some jobs in the American aircraft industry making the aircraft that support the projection of American Armed Forces.

I thank the gentleman for letting me edit my colloquy a little bit.

Mr. DICKS. And I thank Chairman HUNTER for sharing his views on this important matter and urge support for this conference report.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Speaker, I strongly support this national defense authorization bill. But while I support this conference report, I am one of many Members very disappointed with the process by which the defense bill has been brought to the floor. Last Thursday the House leadership approved the conferees to the defense authorization bill nearly 3 weeks after the Senate finished consideration of their version of the bill. This 3-week delay denied Members the opportunity to instruct conferees on issues of great importance to them in the defense bill. Members of the committee, particularly our senior members, should have been afforded greater opportunity to participate in informal panel meetings in order to discuss and debate many of the significant provisions that were in either the House or Senate bill. Instead, the decisions that were made on many of the highly contentious issues in the bill were made by less than a handful of Members. The national security of this country benefits from the input of many, not the narrow perspective of a few. A great democracy at war must do better. We, my colleagues, can do better. Democrat and Republican, we can do better. Veteran and nonveteran, we can do better. Senior Member and new Member, we can do better.

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This bill is a good one. It is a bill that should bring our country and this Congress together united in our support for our fine men and women in uniform, their families and our military retirees but the process the past few weeks has divided us, divided us so deeply that until a few hours ago we weren't even sure we would have a defense bill this year. Our troops deserve better.

I hope that beginning in February, the Republican leadership will make a concerted effort to abide by the processes that ensure active and open participation for all Members in future deliberations. Our troops at all times but particularly during a time of war deserve our best democratic deliberations and our united effort. Having made these comments, however, I am aware of the great commitment of Chairman DUNCAN Hunter and Ranking Member Ike Skelton to our troops and to the national security of our country. I thank Chairman HUNTER for his efforts in getting this bill on the floor tonight.

Mr. HUNTER. Mr. Speaker, if you are one of the 2.5 million people who wear the uniform of the United States, you can know that you have got some great people working for you on this Armed Services Committee. I want to thank the gentleman from Arkansas (Mr. SNYDER) who just spoke, and also thank and commend a very distinguished gentleman from New York (Mr. MCHUGH), who works tirelessly to serve our people in uniform as well as they serve this country, the chairman of the Personnel Subcommittee.

Mr. MCHUGH. I thank the distinguished chairman for his kind comments and for the opportunity to speak.

Mr. Speaker, I have a full statement that without objection I would like to enter into the RECORD in its entirety and just make a few brief comments if I might.

The hour is late. Fortunately it is not too late. I listened very carefully

to the comments of the gentleman from Arkansas. I think we could all pick any part of any process by which any bill comes to the floor of this House and have objections. I understand his perspective but I was heartened to hear him say he strongly supports this bill, as he should. Because the bottom line, the most important question is, what is the quality of this legislation. The gentleman from Arkansas seems to think it is very good. I agree with him. I can in fact state without hesitation that in my 13 years of having the honor of serving on this committee, this is the best personnel provision package I have seen. If we look at the components of it, a 3.1 percent pay raise, the seventh year in row we have raised pay, reducing the gap between the private sector and our hardworking men and women in uniform, an increase in the hardship duty pay, a doubling in the assignment incentive pay. We require that the government pay for the servicemembers' group life insurance when people are deployed into theaters like Operation Iraqi Freedom and the OEF theater. We double the enlistment bonuses. We add by $30,000 to the reenlistment bonuses. On and on and on. We provide for an accelerated enhancement for concurrent receipt payments for 100 percent of disabled veterans. We provide a program for the first time that ensures that every member of the Guard and Reserve has access to some form of TRICARE, of the military health care program. Benefit after benefit. It is important that we have a broad range of military programs, the best equipment, the most modern technology, but at the end of the day as in the beginning of the day, the key to the success of the American military are the men and women that put that uniform on and today as we speak are serving so bravely. This is a terrific bill for them.

I want to thank the chairman for his great leadership and I certainly urge all the Members of the House to strongly support it. It is the right thing to do for some absolutely amazing people.

Mr. Speaker, I rise in strong support of the conference report on H. R. 1815, the National Defense Authorization Act for Fiscal Year 2006.

The military personnel provisions of H.R. 1815 address many problems and issues that the men and women in uniform have brought to us. Additionally, the conference report will help to relieve the tremendous pressure being placed on the military services—active, guard, and reserve. To those ends, H.R. 1815 contains these key initiatives:

A military pay raise of 3.1 percent. The raise is 0.5 percent above private sector raises and reduces the pay gap to 4.6 percent from 13.5 percent in fiscal year 1999 culminating seven years of enhanced pay raises.

We recommend continued growth in Army and Marine Corps end strength. Under the conference agreement, the Army would increase by 10,000 and the Marine Corps by 1,000, bringing the Army end strength to 512,400 and the Marine Corps to 179,000.

This bill also provides recruiting, retention and pay initiatives that would, for active component recruiting and retention:

Increase the maximum active duty *enlistment bonus* maximum from $20,000 to $40,000.

Increase the maximum active duty *reenlistment bonus* from $60,000 to $90,000.

Provide the Army with unprecedented flexibility to initiate new recruiting incentive programs following 45 days, notice to Congress.

Authorize the Army—active duty reserve, and National Guard—to pay $1,000 to servicemembers who refer recruit candidates for enlistment and those candidates complete technical training.

Increase the maximum enlistment age from 35 years of age to 42.

Authorize the payment of matching contributions to the Thrift Savings Plan for new recruits.

For the Reserve Components, the conference agreement would:

Authorize the same basic allowance for housing as active duty members when mobilized for periods greater than 30 days.

Authorize a critical skills retention bonus under the active duty program up to a maximum of $100,000 over the course of a career.

The conference report also provides for an expanded death gratuity of $100,000 for all military deaths—not just combat-related deaths—and two retroactive payments:

$100,000 for all military deaths that occurred on or after October 7, 2001; and

$150,000 to survivors of all military deaths, not just combat-related deaths, to compensate for the increase in Servicemembers' Group Life Insurance coverage from $250,000 to $400,000 that became effective for all military members on May 11, 2005.

For wounded servicemembers, the conference agreement would provide a special pay of $430 per month while the servicemember is in rehabilitation. In addition, family members would be provided greater travel and transportation allowances to visit wounded and injured servicemembers.

The conference agreement expands eligibility for TRICARE to all members of the reserve components, and their families, who continue service in the Selected Reserve. Under the agreement, there would be three eligibility categories:

Involuntarily mobilized reservists—as in current law: 1 year TRICARE eligibility for every 90 days of mobilized service.

Persons without employer provided health care, unemployed, self-employed, and

Any person not meeting the above criteria.

This conference agreement also provides enhancements to military justice that would:

Establish the offense of stalking, and

Clearly define the offense of rape, sexual assault and other sexual misconduct in title 10, United States Code, and pattern the elements of the offenses after the Federal statute.

All in all, the conference report on H.R. 1815 is a significant package of legislation directed at providing maximum assistance to the men and women who are fighting the Global War on Terrorism. I urge all my colleagues to vote "yes" on the conference report.

Mr. SKELTON. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. I rise today for the purpose of engaging the gentleman from California (Mr. HUNTER) in a colloquy.

Mr. HUNTER. I would be happy to join with my colleague from Georgia in a colloquy.

Mr. MARSHALL. Mr. Speaker, the portions of this bill governing the treatment of detainees can serve as a welcome clarification for the rest of the world that America condemns torture in the strongest terms. These changes should help the world to see that America respects freedom when it fights for freedom. I would appreciate the chairman's thoughts on this.

Mr. HUNTER. Will the gentleman yield?

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

Mr. HUNTER. I agree that the language contained in the conference report can both be flexible enough to allow our personnel to protect America's security interests and fair enough to protect our personnel without placing themselves in legal jeopardy when they employ the means any reasonable person would in a given interrogation.

If I might depart from the colloquy just for a bit to explain to my colleagues in the House, the Senate injected the straight Senate detainee language about humane treatment and the House injected and insisted on a section called personnel protections which gave defenses to uniform and nonuniformed personnel in detainee actions. It also provided for counsel to be employed or provided by the government. That was the essence of the provisions that were injected into the conference on the House side.

I thank the gentleman for letting me expand.

Mr. MARSHALL. Mr. Chairman, is it your understanding that the bill's language referencing the Senate's 1994 reservation to the United Nations' Convention Against Torture is intended to prohibit conduct that shocks the conscience, the standard adopted by the United States Supreme Court in Rochin v. California?

Mr. HUNTER. Will the gentleman yield?

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

Mr. HUNTER. That is my understanding.

Mr. MARSHALL. And, Mr. Chairman, is it also your understanding that the bill does not extend constitutional rights to noncitizens of the United States?

Mr. HUNTER. That is my understanding.

Mr. MARSHALL. I thank the gentleman for his clarification.

Mr. HUNTER. Mr. Speaker, I wanted to yield at this time to the gentleman who chairs the Projection Forces Subcommittee, the wonderful gentleman from Maryland (Mr. BARTLETT), who lives on the Monocacy River and spends so much of his time and has spent a lot of time this last year working on the issues of shipbuilding and power projection of maritime forces and he has done a wonderful job.

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I want to commend Chairman HUNTER and Ranking Member SKELTON for completing the impressive task of this conference report in such a short period of time. I also want to thank my subcommittee ranking member, Mr. TAYLOR, for his tireless efforts and dedication to the preparation of this report while simultaneously coordinating Hurricane Katrina relief efforts in Mississippi. The intense work involved in preparing the conference report has been accomplished only with the assistance of our able and hard-working staff and I really want to commend their efforts and the quality of the work they have so diligently done.

Mr. Speaker, this conference agreement provides the men and women in our Armed Forces the tools to effectively project our Nation's power and influence throughout the globe. Initiatives within this bill to build the Navy of the future, authorize advance procurement funding for the Navy's next generation platforms while continuing development and buildout of the Littoral Combat Ship and Virginia Class attack submarine fleet.

I am also pleased that this conference report takes steps to improve our U.S. shipbuilding industry to make it more efficient and commercially competitive in the future. Only by applying downward pressure on shipbuilding costs will we be able to afford a fleet of sufficient size to meet the national security needs and global commitments of tomorrow.

This agreement authorizes multiyear contract authority for additional C–17 aircraft if procurement is consistent with the results of the Quadrennial Defense Review. Furthermore, we encourage the Secretary of the Air Force to evaluate options for maintaining C–17 production capability until results of the C–5 modernization programs are available.

This conference agreement is an important milestone in making our country more secure. The National Defense Authorization Act for Fiscal Year 2006 is critical in meeting the challenges and demands placed upon our Armed Services today, supplying a foundation on which to build well into the future. I urge my colleagues to join me in supporting our soldiers, sailors, airmen and Marines by voting for the Fiscal Year 2006 National Defense Authorization Act.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, let me first start by thanking my good friend Roscoe Bartlett for his tremendous help this year. The bill authorizes five ships, more than the administration asked for, unfortunately not as many as I would like to build, but very, very great help of the gentleman from Maryland on the part of adding an LHA(R) for the Marine Corps to the ship; getting the next generation destroyer, the DDX, started; and adding a Virginia Class submarine to the fleet.

Again at five ships, if you figure the typical 30-year life of a ship, we are cruising toward a 150-ship Navy. That is entirely too small, despite Navy projections that they think they can get the fleet up to about 313 by 2013. But again these are important steps in the right direction.

I want to commend the gentleman from Maryland for his help in making that happen. There are a lot of people who have a lot of things they want to say.

I want to yield what remains of my time to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Speaker, I would simply add to what my friend from Mississippi has said and others have said that this bill is the culmination of months of work by the committee in a bipartisan way to give the men and women that we have in uniform, particularly those men and women in harm's way what we believe they need in order to carry on their duty on behalf of the United States. I think everybody on the committee agrees with me that everything that we can possibly do to support them we are going to do. I want to compliment the chairman, the ranking member, and other members of the committee for a job well done.

Mr. HUNTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. HOEKSTRA), the distinguished chairman of the Intelligence Committee.

Mr. HOEKSTRA. Mr. Speaker, I rise in support of the conference report, although I am concerned about provisions of the bill that have the potential to create a chilling effect that would harm the ability of the intelligence community to gather vital information to protect our country. I want to first thank Chairman HUNTER for his outstanding personal efforts to safeguard our Nation's intelligence capabilities and our intelligence personnel.

□ 0030

I appreciate his close coordination with me and with the Intelligence Committee during the negotiations on this bill.

Let me be crystal clear: The United States does not engage in torture, and the United States abides by its treaty obligations with respect to cruel, inhuman, and degrading treatment. The principles of the conference report relating to cruel and inhuman and degrading treatment should not be controversial or even remarkable. As the President said earlier this week, we should make it clear to the world that we do not engage in torture.

But I want to record my substantial discomfort that this bill could be read more broadly than intended and have a detrimental effect on our national security. After the 9/11 attacks, we learned the hard way that excessive restrictions on our intelligence agencies such as the Deutch Doctrine and the ''wall'' between intelligence and law enforcement often had a chilling effect on operations that was far broader than intended and significantly hurt our intelligence gathering capabilities. I want to reinforce Chairman HUNTER's efforts to make very clear that this conference report does not create new criminal liabilities and does not create any private right of action with respect to interrogation practices. It also does not modify the substantive definition of cruel, inhuman, and degrading treatment that applies to the United States under its existing treaty obligations.

Despite those concerns I fully support this agreement because of the provisions of this bill. Mr. Speaker, I believe that Chairman HUNTER's efforts has significantly improved this legislation, clarified its intent; so I will vote for the conference report and I encourage my colleagues to do the same.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we have handled, the conference has handled, leadership has handled, and the staff, a record number of amendments in a record period of time. And while I have some problems with the process, I commend them for the end result. It is a good piece of work.

There are many good features to it. We retained intact the McCain language which prohibits the United States from engaging in torture of prisoners. There are a number of very fine personnel improvements here which our service personnel dearly deserve.

We have given the impetus to start up something called a caps reliable replacement warhead program but at the same time put it within reasonable and restrictive bounds, which I think is smart. And I could go on and on. There are some good features to this bill.

I am not criticizing anyone in particular when I say that I find fault with the process, but I have been on this committee for 23 years, all the time I have served here. And, unfortunately, given the time restraints, which were largely the result of the fact that the Senate put us on abbreviated schedule, they were late getting their bill done, we have had to do this with much too much haste.

Here is the bill right here that we are about to consider, and we only saw it really in final form on Friday afternoon. We were appointed at one hour, and at the very next hour we were meeting for our first and only formal meeting. I hope this will not become a precedent for the process in the future, and that is why I express this concern now. The bill itself I support.

I am also very concerned about what is happening to the defense appropriations bill, and I do not want to see it happen to our defense authorization bill. We do not want our bill to become a must-pass piece of legislation to which other bills, other wholly unrelated legislation, gets attached because ours is must-pass legislation, a moving vehicle. That could have happened to this very bill, and it is the reason we are standing here at 12:30 at night instead of dealing with it yesterday afternoon with much more leisure than we are giving to the bill right now because it was almost hijacked by something totally extraneous. And I would say to the chairman I am glad that this did not happen, glad that we have got a clean bill, and glad that we can vote on it without having these extraneous matters to consider and weigh.

Once again, congratulations on a job well done.

Mr. HUNTER. Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, in the last few minutes, I have gone through a few hundred pages of this bill, which I think it is instructive to know that $1 billion for a so-called Iraqi Freedom Fund is being authorized. We do not know what that is. There is $2.5 billion for classified ops in Iraq. We do not know what that is, certainly.

On the issue of alleged clandestine detention facilities for individuals captured in the global war on terrorism, here is what it says: ''Conferees determined the amendment was outside the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives. So we still do not know whether or not this House has any authority to rein in the administration's rendition policies.

I would ask the gentleman from California a question. I have just read a couple hundred pages. I have not seen the whole bill. Could the gentleman tell me if there is a provision in this bill that permits drilling in the Arctic National Wildlife Refuge?

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

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

Mr. HUNTER. No. As the gentleman knows, the ANWR position is not in this bill.

Mr. KUCINICH. Mr. Speaker, could the gentleman explain what the Iraqi Freedom Fund is about?

Mr. HUNTER. Mr. Speaker, if the gentleman will continue to yield, the Iraqi Freedom Fund is a fund that includes money for body armor and lots of other equipment. It is a fund that we supply each year. It is a revolving fund that we keep money in so that the warfighting commanders can buy what they need immediately when they need it.

Mr. KUCINICH. Mr. Speaker, I appreciate the gentleman's explanation.

Could the gentleman clarify this report language on page 210 that says that the amendment was outside the jurisdiction of the Committees on Armed Services in the Senate and the House with respect to alleged clandestine detention facilities?

Mr. HUNTER. Mr. Speaker, if the gentleman would further yield, let me just say to the gentleman that is a classified portion that is within the jurisdiction of the Intelligence Committee.

Mr. KUCINICH. So it is not covered in this report is what he is saying?

Mr. HUNTER. That is correct.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for his explanation.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, in the combination of institutional incompetence and ideological extremism that has us contemplating this bill at this hour with further important legislation to go, all kinds of stuff gets put in and the regular process gets degraded.

I just want to call attention to one wholly irrelevant provision, irrelevant to the defense. The Boy Scouts of America have been found by States and cities to be violating their anti-discrimination policies with regard to both sexual orientation and religion, and some cities have said that they do not want anyone who fails to follow their State or city's policy getting free facilities. That I suppose can be debated or not as to whether it is right or wrong, but it does not seem to me that there is any argument for having it in the Armed Services authorization bill in a Congress run by supposed States rights conservatives, a provision that says to every city in America you will let the Boy Scouts use your facilities for free whether or not you think they violate the law against discrimination based on religion or sexual orientation.

Now, that is probably going to be found unconstitutional, but I find that to be way beyond the scope of this bill and an example of the degradation of the legislative process that it is in here.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Speaker, for all the meritorious provisions of this bill dealing with national defense, there is one that has nothing to do with national defense, and that is the provision on Peotone Airport, Illinois. The language would make it a requirement of Federal law that the governing body of South Suburban Airport in Will County, Peotone Airport, Illinois, be comprised of a majority of local residents of the county.

There was an effort to stick this language in our surface transportation, SAFETEA-LU, last summer. I vigorously objected. It has nothing to do with surface transportation. It has nothing to do with the substance of that bill. So now here it reappears. And this is a total contradiction to the often professed Republican stance that the Federal Government should not tell local governments how to run their business. It is an unprecedented change in the longstanding policy of the Department of Transportation and the FAA that State and local governments determine the structure of airport organization and management and the Federal Government regulates airport safety. This is objectionable.

Mr. Speaker, I rise in strong opposition to the provision on Peotone Airport, which was inserted into this conference report at the last minute. The amendment would make it a federal requirement that the governing body of the South Suburban (Peotone) airport in Will County, Illinois be comprised of a majority of local residents of the county.

Insertion of this provision in the Conference Report is but the latest example of the abuse of the conference process to enact a legislative provision, which couldn't be passed on its merits, as a separate bill. The provision was never considered by the Committee of jurisdiction, the Transportation and Infrastructure Committee. Last summer, there was an unsuccessful, last minute effort to add this provision to the Transportation bill, SAFETEA–LU. Now the provision appears again in a Conference Report that has nothing to do with aviation, or transportation. The provision was not in either of the defense bills that went to conference. It is now protected against points of order. Regrettably, this type of abuse of the process seems to happen every time a major conference report comes before the House.

In addition to the abuse of process, the provision is bad policy. It is an unprecedented change in the longstanding policy that state and local governments determine the structure of airport organization and management, while the federal government regulates airport safety. The FAA is a safety organization, and its highest priority is to ensure the safe and efficient operation of the airport and airway system, not to arbitrate disputes between local authorities. The State of Illinois should determine what body will govern and develop the Peotone airport and how that body should be structured.

Mr. Speaker, I deeply regret that the conference process has been abused to pass this undesirable provision.

At the appropriate place in the bill, insert the following:

SEC. 1063. AIRPORT CERTIFICATION.

For the airport referred to in paragraph (1) to be eligible to receive approval of an airport layout plan by the Federal Aviation Administration, such airport shall ensure and provide documentation that—

(1) the governing body of an airport built after the date of enactment of this Act at site number 04506.3*A and under number 17–0027 of the National Plan of Integrated Airport Systems is composed of a majority of local residents who live in the county in which such airport is located; and

(2) the airport complies with sections 303, 303A, and 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253–253b) as implemented by the Federal Acquisition Regulation issued pursuant

to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) regarding land procurement and developer selection.

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

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

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me this time.

I rise in support of the conference report, and I express my appreciation that this report affirms the principle that a great power should not need to resort to inhuman tactics to pursue its objectives. The anti-torture language that is in this conference report is entirely appropriate.

I also appreciate the fact that it strikes the proper balance between an affirmation of our principles and an understanding that our intelligence agents must act with discretion and flexibility when dealing with the very difficult job that we have given them. This is an important affirmation that strengthens our country, that improves our intelligence, and makes us safer.

I commend the chairman, the ranking member for making sure the provision is in here. I would urge a ''yes'' vote on the conference report.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to oppose the Graham-Levin amendment language contained in this bill. This provision restricts the jurisdiction of the Federal courts to consider habeas corpus petitions from detainees at Guantanamo or complaints about their treatment. It also would require military tribunals to ''weigh the value of the intelligence gained from an interrogation against a judgment on whether the statement was coerced.''

In other words, even if the bill says they cannot torture, it also says they can use the information they obtain by torturing people if the military tribunal concludes the statement itself was not coerced.

These two provisions taken together, Mr. Speaker, make the anti-torture provision of this bill unenforceable. They cannot complain about it through habeas corpus. They cannot get into the Federal courts to complain about it, and the military tribunal can use the coerced evidence.

That is not right. This is un-American, and this language ought to have been stricken from the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN). The Chair will remind Members to refrain from wearing communicative badges while under recognition.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member very much for his leadership and the chairman.

As we all know, all of us have constituents in the U.S. military. Texas has some of the largest numbers of military in the United States, living in Texas.

I rise to compliment some of the aspects of this bill, such as the increase in the death gratuity and the TRICARE increase for the military and their families. I see the impact on my constituents for improved health care. I also applaud the avian flu provision and as well the issue dealing with the Department of Energy that will not allowed the DOE to increase our nuclear warheads but will only allow the DOE to study the effectiveness of existing warheads.

Finally the conferees agreed that our that our values do not support torture practices, however, I am certainly disappointed that the habeas has been taken away from so called enemy combatants. And I might also add that here we go again with ''Star Wars,'' and program doubtful in value.

But it is important that the Goode amendment was not included. We do not need to use the military at the border. We are a country of laws as we are a country of immigrants. And I might say as well that the 527 campaign reform legislation belongs somewhere else, not in the Defense bill.

Our soldiers need the funding resources. They need our help. They need an increase in compensation. They need better health care. And their families, tragically, when they die in the line of duty, the least we can do is to provide their dependents with a decent, livable opportunity to survive.

I hope that we will have a better process the next time, but I say on behalf of my constituents that I hope we will move this legislation forward.

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

Just one or two points, Mr. Speaker. Again in the detainee legislation, the House inserted protections for American uniform personnel and nonuniform personnel.

The other point that was mentioned by the gentleman from New York was on probative value of evidence that might have been obtained under coercion. We all know that we have an exclusionary rule in this country domestically, and that means, as in Davis v. Mississippi, which is one of the threshold cases, the fact that the person did have his fingerprints on the threshold of the grandmother that he murdered, was picked out of an unconstitutionally developed lineup; and therefore we said, as a matter of disciplining our process, we would let people go even though we knew they had committed the crime.

This is a different situation, Mr. Speaker. This is a situation where a person may have been interrogated and may have disclosed, for example, a cache of weapons with which he was going to use to destroy American soldiers on the battlefield, the idea that in our review when we determine whether we are going to free him and send him back, having seen some of the people that we freed at Guantanamo show back up on the battlefield intent on killing American soldiers, that we felt we could not go that far. We could still take the probative value, and if that interrogation developed that cache of weapons, we would look at the cache of weapons and say the person who maintained that was in fact a combatant and it is not fair to our soldiers to put him back where he can shoot at them again.

Mr. Speaker, let me just say one last thing before my great colleague winds up on his side. The gentleman from Missouri (Mr. SKELTON) is our champion on the Armed Services Committee for military education. That is an area in which he has more expertise than anybody else in this body. And I thought, as we move toward the conclusion of this bill, that it was only appropriate that as a gentleman who knows more history than the rest of us, and, in fact, I went over a book that we were going to get him and I found out he was already reading that book, I wanted to dedicate to him and to give to him a book from the committee signed by all the members of the committee, and the ones that have not come to the floor yet will have their opportunity. It is the ''Battle of Vicksburg.'' And for a gentleman who knows every battle that was fought in America and knows it very well, I thought that this would be an interesting tribute to us for a gentleman who really guides us, Democrats and Republicans, in this very important area of military education.

□ 0045

So to the great gentleman from Missouri (Mr. SKELTON), I hope you have good reading, and let me know the high points.

Mr. SKELTON. Mr. Speaker, the chairman, Chairman HUNTER, flatters me. It is rather interesting, and it is important for me to point out that my late wife, Susie Skelton, went to All Saints High School, which is in the middle of the Vicksburg, Mississippi battlefield. And because of that, that has special meaning to our family and, Mr. Speaker, I am most appreciative.

This is an excellent bill. It includes language regarding detainees, pay raises, and medical help. I hope that this does not set a pattern on process. I realize that there was a time problem with the Senate passing the bill so late, and with the Thanksgiving recess coming up. But I hope that the panels will be able to meet fully, explore each of the issues, and as we are not able to do that as nearly as fully as we should, we had to rely on our wonderful staff, and they did an outstanding job.

Toward the last, Mr. Speaker, this was a rather torturous procedural effort. We jumped two major hurdles toward the end; and at the end of the day, the bill is an excellent one for those in uniform and for those who defend our country.

So with that I thank all of the members of the committee. Chairman HUNTER, thank you especially for your help, your leadership, and to each member on our committee for the tremendous work that they did. Hours and days went into this. And a special thanks, Mr. Chairman, for this book on Vicksburg.

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

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

Mr. HUNTER. Mr. Speaker, I just wanted to thank the gentleman. I thought it would be appropriate for us also to thank this wonderful staff, this great bipartisan staff who put this product together. Let us thank them for what they did.

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

Mr. HUNTER. How much time do we have left, Mr. Speaker?

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman's time has expired.

Mr. HUNTER. Mr. Speaker, I ask unanimous consent for 1 additional minute so the gentleman from Georgia could make a presentation.

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

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 1 minute.

Mr. MARSHALL. Mr. Speaker, I appreciate that very much. It was when Chairman HUNTER provided the book to Ike about Vicksburg that I thought that perhaps it was appropriate here publicly to say that there is probably no person on the Armed Services Committee today, nor perhaps no person in the history of the Armed Services Committee, who has done so much for military education. Ike Skelton has constantly talked about the need to provide education and training for our men and women in uniform, and he is known throughout the armed services for that great contribution that he has made.

A couple of years ago, he came up with the idea of commissioning a scholarship program for the graduates of 2-year military colleges to continue their education, with DOD paying for it if DOD thinks that it is appropriate to do so; scholarships for these graduates as newly commissioned officers to finish their college educations. This year, unbeknownst to Ike, that scholarship program was named the Ike Skelton Early Commissioning Program Scholarship.

Mr. Speaker, I would like to present Senator ISAKSON's, a Member of the other body, his bill originally signed by him naming that program the Ike Skelton Early Commissioning Program Scholarship.

Mr. SKELTON. Mr. Speaker, I ask unanimous consent to speak for an additional 1 minute.

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

There was no objection.

Mr. SKELTON. Mr. Speaker, I am indeed flattered, and I do thank the gentleman from Georgia for this unexpected tribute, and a special thanks to Senator ISAKSON, the fellow Georgian, for his efforts in this. I am indeed flattered, and I will do my best to merit the confidence both of the chairman for his presentation and the presentation Mr. MARSHALL made, and with deep appreciation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this bill, but not without great reservation. Despite my concerns, I am pleased to see that the bill really provides good provisions for our troops and their families. Moving into the specifics of the bill, H.R. 1815 authorizes $441.5 billion for defense programs in FY 2006, slightly less than the President's request. The total is $20.9 billion (5%) more than the current regular authorized and appropriated level not counting $75.9 billion in FY 2005 emergency supplemental defense funds appropriated last month for operations in Iraq. Among other things, the bill increases the death gratuity for all active and activated service members to $100,000 retroactive to October 7, 2001. This authority is needed to pay the higher death gratuity to all service members, and more importantly pay it retroactively to those what do not qualify under the combat-related requirements since October 7, 2001. Furthermore, for the first time ever, all reservists who agree to continue service in the Selected Reserves will have an opportunity, depending on their status, to buy into a government subsidized TRICARE Standard health care program for themselves and their families. This authority is needed to allow expansion of the program to all drilling Selected Reservists, and enhances the current TRICARE Reserve Select program.

In addition, H.R. 1815 authorizes the President's request of an across-the-board 3.1% pay increase for military personnel. Further, the measure authorizes targeted increases for mid-grade and senior non-commissioned officers and mid-grade officers. The raises would reduce the pay gap between the military and private sector to 4.6%, from 5.1%. Even more important, the measure increases payments to survivors of deceased military personnel to $100,000, from $12,000, and eliminates the requirement that these families have to deduct those payments from the total they can receive from a similar program at the Veterans Affairs Department. The bill also report increases the bonuses for enlistment and reenlistment and raises the eligible enlistment age to 42. These authorities are needed by the Department and most will expire on December 31, 2005.

From a health care prospective, for the first time ever, all reservists who agree to continue service in the Selected Reserves will have an opportunity, depending on their status, to buy into a government subsidized TRICARE Standard health care program for themselves and their families. This authority is needed to allow expansion of the program to all drilling Selected Reservists, and enhances the current TRICARE Reserve Select program. H.R. 1815 also extends TRICARE coverage for children of service members killed in the line of duty until 21 years of age, or 23 years, if a full-time student.

Under the bill the Department of Defense is required to report back on its plans to respond to an international and/or domestic outbreak of avian flu. This is very important as our nation combats the potential outbreak of this flu. Lastly Requires the establishment of a Mental Health Task Force that will look at how the Department and the Services can better identify, treat, and support the mental health needs, including Post Traumatic Stress Disorder, for service members and their families. An effort to provide a comprehensive examination of the mental health programs and policies of the Department of Defense and other federal programs, this effort will not be initiated without a defense authorization bill.

Title 3 of the bill allows the Department of Defense to accept gifts on behalf of wounded service members, Department of Defense civilians or their families. Soldiers are currently restricted from accepting more than $20 in gifts. This makes it impossible for well meaning people to give gifts to wounded troops or their families without violating ethics laws. The provision will only partially fix the issue as people will not be able to give gifts directly to the soldier. The bill recognizes the diversity of members of the Armed Forces who serve and died in Operation Iraqi Freedom and Operation Enduring Freedom. Additionally, the bill authorizes $30 million for Department of Defense Impact Aid. These are funds provided to states that have military bases in communities and these bases are feeding of the economy of the community.

Before closing, let me take a few moments to express my concerns with the bill. In terms of "Star Wars" I would only say, here we go again providing for additional testing on unproven technology that will not ensure our safety. Finally I am disappointed that the bill provides limited judicial review of appeals from prisoners seeking determinations of enemy combatant status. This does nothing but closes the court doors which going against the principle of judicial review and due process.

Mr. WATT. Mr. Speaker, I support the extension of the Defense Department's 1207 program, which ensures that the Department's federal contracting process in no way supports or subsidizes the discrimination that has long existed in the contracting business. The extension of the program through September 2009 is needed to help achieve that goal.

Overwhelming evidence has shown that minorities historically have been excluded from both public and private construction projects, particularly from defense contracts. Since its adoption in 1986, the Department of Defense's 1207 program has helped level the playing field for minority contractors, but there is still much work yet to be done.

A 2004 North Carolina study by MGT America, an independent research and consulting firm, revealed that North Carolina continues to underutilize businesses owned by minorities or women in nearly all categories of transportation contracts. More specifically, African American and Hispanic businesses are underutilized in every business category of contracts awarded by the North Carolina Department of

Transportation. In an earlier Charlotte study, Hispanic contractors reported that they are treated differently and experience more pressure to get the work done. Clearly, efforts to encourage minority participation in government contracting are still necessary.

The Department of Defense's 1207 program helps to counter discrimination without imposing an undue burden on white-owned businesses. Small businesses owned by white contractors are eligible to receive the benefits of the program if they are socially and economically disadvantaged.

I strongly support the reauthorization of the Department of Defense's 1207 program.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to address the defense authorization bill conference report for fiscal year 2006. The bill includes language regarding U.S. policy concerning the war in Iraq, which reflects substantially House Joint Resolution 55 of which I am a prime cosponsor, with regard to phased redeployment of U.S. forces in Iraq during calendar year 2006. There is also language in this bill that clearly lays out how detainees in the custody of the U.S. Government will be treated. However, it does not address the question of the outsourcing torture or contracting with third parties for interrogation and detention not subject to the provisions of this bill. We will pay a heavy price in terms of world condemnation for this deliberate omission when such activities are revealed.

There are several measures to improve the oversight of major acquisition programs for the Department of Defense. Each year the nation gives the Pentagon hundreds of billions of dollars, and each year the Pentagon spends a good portion of that money buying things: ships, planes, tanks, helicopters, and other items. Unfortunately, in recent years almost every single high-profile defense acquisition program has experienced cost overruns, performance shortfalls, or testing problems. I believe that one reason for these problems is that Congress hasn't done everything it could to make sure that these important programs stay on track and that the companies building the systems deliver what they promise to deliver. At the end of the day, this is about getting our troops in the field what they need, when they need it. Making sure this happens is one of Congress' primary Constitutional duties.

I am pleased then that this year, the defense authorization bill puts measures in place that will improve Congress' visibility of several major programs that are facing challenges, including the Future Combat System, the Joint Tactical Radio System, and the new Presidential helicopter. In each case, both myself and my subcommittee chairman Congressman CURT WELDON, are committed to making sure that these programs deliver the capability our military needs at a price we can afford.

I am also encouraged that for the first time, this bill requires the Department of Defense and the military services to report back to us on options for moving to a capital budgeting approach for defense acquisition, which I have advocated. Today, the DOD is one of the few government entities in the United States that continues to cash-finance the purchase of multi-million dollar capital items such as ships and aircraft. As I've pointed out many times during committee discussions, this cash-financing and budgeting system is leading the Department to make poor decisions on major capital acquisition programs. In effect, the way we budget for new equipment is determining what we end up buying. That is a completely backwards system and one that needs to change. The conference report before us today will require the DOD and the Armed Services to take a serious look at using an alternative, modern, and more flexible capital budgeting approach that will help the DOD get our troops the equipment they need to do their jobs.

As I indicated earlier, this bill includes language in Section 1227 on U.S. Policy in Iraq that I think represents bipartisan agreement with House Joint Resolution 55, which I introduced with Congressman WALTER JONES this past June. Joint Resolution 55 called for the President to begin the withdrawal of U.S. troops from Iraq in 2006. Similarly, the bill before us today says that:

''Calendar Year 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for the phased redeployment of the United States forces from Iraq.''

I think the bipartisan support in Congress for a phased redeployment and the President's eventual signature for this measure should signal a significant step toward getting US troops out of Iraq. I'm pleased that despite the recent White House overheated rhetoric about ''total'' or ''complete'' victory and casting aspersions on the patriotism of those opposed to this war that we may finally be at a point where we can all agree that in 2006 US troops will begin to come home from Iraq. If the President signs this bill it follows that support for this language requires beginning the drawdown of US forces in Iraq as soon as possible.

Again, as I indicated earlier, this bill contains language clarifying how individuals detained and held by the United States Government will be treated and interrogated. The language originally sponsored by Senator JOHN MCCAIN that prohibits ''cruel, inhumane, or degrading'' treatment of prisoners is retained in the conference report in its original form. However, while I'm pleased that this language is included in the bill—after the President threatened to veto this very same language—I am troubled by an issue that this bill does not address.

This issue is the issue of whether or not the United States condones, by default, the torture of prisoners by ''outsourcing'' interrogations to other nations. The technique of handing over prisoners in our custody to other countries is called ''extraordinary rendition,'' and has been described in numerous press reports. In some cases, it may even be an appropriate way to deal with a prisoner wanted for crimes in their home country.

However, what happens to those prisoners when they leave U.S. custody is not addressed in this bill in any way. As a result, while the bill prohibits people in our direct custody and control from being tortured, it is silent—and thus, complicit—with regard to our handing over prisoners to other nations so that they can be tortured on our behalf.

So, while we have made some progress with regard to making it clear to our military and intelligence services how they are to treat prisoners in our custody, I am concerned that this bill doesn't go far enough. I intend to support this bill today based on what is in it, but I want to make it clear that Congress must, as soon as possible, deal with the issue of the outsourcing of torture. If Congress does not do so soon, there will likely be some kind of incident somewhere involving a prisoner in our care that is handed over to another country and is subsequently tortured, or even killed. When that happens, if Congress has remained silent on this issue the United States will suffer another needless defeat in the court of global public opinion. When that happens, millions around the world may conclude that Congress condones the outsourcing of torture simply because we have chosen not to act to stop it.

Mr. LANGEVIN. Mr. Speaker, as a member of the House Armed Services Committee, I rise in support of the conference report to H.R. 1815, and thank Chairman HUNTER and Ranking Member SKELTON for their hard work. Once again the committee has demonstrated its commitment to ensuring the security of our nation and the safety of our men and women in uniform.

I am extremely pleased that we were able to consider this measure without extraneous and controversial provisions that would have endangered its passage. Our troops and the civilian employees in the Department of Defense have performed valiantly and made enormous sacrifices to safeguard the United States, and H.R. 1815 recognizes their commitment by providing much-needed assistance to them and their families. The conference report includes a pay raise of 3.1% for military, increases certain enlistment and re-enlistment bonuses, and allows certain members of the reserves to buy into the TRICARE health care program for themselves and their families. The measure also increases the endstrength of the Army and the Marine Corps, which should help relieve some of the stress on troops who have experienced repeated deployments.

The legislation also contains $50 billion in supplemental funding to provide force protection equipment, such as up-armored Humvees and jammers for improvised explosive devices, to our troops in Iraq and Afghanistan, as well as to replace equipment that has been degraded by the high operations tempo. Though the military has accomplished a great deal with what they have, we have clear indications that we are wearing down our equipment, perhaps faster than we can replace it. The investment in this bill is an important step, but we must not forget that it will take billions more to completely reset and recapitalize our force.

This bill also contains important language to ensure that Department of Defense does not contract out existing government work without realizing actual cost savings. Earlier in the year, I drew the committee's attention to DOD's practice of reorganizing or reclassifying existing government work in order to circumvent required contracting rules without demonstrating savings. The language in this measure closes that loophole and goes much farther by establishing much clearer standards about how DOD can contract out work. I thank the chairman of the Readiness Subcommittee, Mr. HEFLEY, as well as the committee staff, for working with me and my office to address my original concern, and I will continue to work with the committee to monitor the implementation of this new language to ensure that all parties involved are treated fairly and that taxpayer dollars are used as effectively as possible.

Finally, H.R. 1815 demonstrates its interest in maintaining a strong Navy through a continued commitment to the next-generation destroyer, DD(X). It also includes language affirming the committee's support of the VIRGINIA-class submarine and directing the Navy to initiate a program to improve future submarine technology in a cost-effective manner. This provision should be welcome news to Electric Boat, a major employer in my district, which has announced as many 2,400 layoffs in 2006, primarily due to insufficient submarine design and construction work. To prevent our submarine force from shrinking to dangerously low levels, I will continue my efforts to integrate cutting-edge technology into VIRGINIA-class submarines and to increase procurement of these ships to two per year. Given other nations' investments in their navy and undersea capabilities, we cannot afford for the United State to lose its undersea dominance.

Again, I commend the Chairman HUNTER, Ranking Member SKELTON and my colleagues on the committee for a well-balanced bill, and I urge its adoption.

Mr. WELLER. Mr. Speaker, I rise today in strong support of the conference report for H.R. 1815, the Fiscal Year 2006 National Defense Authorization. This legislation is critically important to our troops and our efforts in the global war on terror. In addition, the conference report contains a provision that is extremely important to my constituents in Illinois's 11th Congressional district. The ''Weller Amendment'', which pertains to Chicago's South Suburban Airport, ensures that the airport is built with local control and through a transparent process.

The South Suburban Airport will be one of Illinois' largest infrastructure projects to be undertaken since the construction of Chicago O'Hare International airport. With the construction of the South Suburban Airport, an estimated 236,000 jobs will be created and it is projected to generate $5.1 billion in economic growth. In addition to the boost it will give the local economy, the South Suburban Airport will further reduce the congestion that currently plagues Chicago O'Hare.

The ''Weller amendment'' is necessary to protect the taxpayers of Will County who will have the ultimate responsibility for the infrastructure and development associated with the airport. Local responsibility, accountability and control is essential for the airport to be successful. For Will County, where the entire footprint of the airport is located, to have a majority control on how this airport should take shape and operate. It is just common sense.

The first section of my provision will ensure that Will County residents will receive a majority of the seats on the governing board of the airport. Since my days in the Illinois General Assembly, I have been a strong supporter of the Third Airport and have always maintained that local control is vital to the airport governance. It is the residents of Will County who will have to live with both the benefits and the consequences the new growth will bring to the county. They must have a majority of seats on the governing board to represent Will county taxpayer interests.

The second section of my provision applies to current law, requiring that all contractual dealings of the airport follow federal procurement laws. There must be transparency and open bidding in the contracting for this airport. There is no room for sweetheart deals or backdoor no bid contracts which is the practice of the Abraham Lincoln Airport Commission, which is composed of communities in Cook County who seek to control the Will County site. This point has also been reinforced by the recent opinion by Illinois Attorney General Lisa Madigan. In her opinion, issued last Friday evening, the process that the Abraham Lincoln Airport Commission used to pick two airport developers violated state procurement laws.

I also realize that some of my constituents, especially near the airport site, do not support the construction of a suburban third airport. With this understood, should an airport be built, I think they would agree that those that have to live with the airport should control the operation of the airport.

I would like to deeply thank Speaker HASTERT and Chairman HUNTER for their support of this amendment. I would also like to thank Will County Executive Larry Walsh, Will County Board Chairman Jim Moustis, Illinois State Senator Debbie Halvorson and all of the public officials in Will and Kankakee counties for their support.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, let me start by adding my thanks to the Armed Services Committee staff for their hard work and long hours in getting this conference report to the floor.

On the whole, I think this is a solid bill—a bill that does a lot of good for our servicemembers and their families.

It raises basic pay and hardship duty pay. It provides TRICARE coverage for Reservists. It increases the death gratuity for all activated servicemembers. It begins the much-needed reform of the DOD acquisition system.

And with the inclusion of the McCain language, this bill makes a strong statement to the world that the United States does NOT condone—and will not tolerate—the torture or abuse of detainees.

But I'm particularly happy to note that the final conference agreement includes two important revisions to the Uniform Code of Military Justice (UCMJ).

The first revision would update Article 120 of the UCMJ making it a modern, complete sexual assault statute that protects victims, empowers commanders and prosecutors, and improves good order and discipline of the armed forces.

It offers military prosecutors a clear definition of sexual assault and better tools for prosecuting sexual offenses, and it affords increased protection for victims by emphasizing acts of the perpetrator rather than the reaction of the victim during an assault.

The second revision to the UCMJ involves the addition of stalking as a specifically defined offense, bringing the UCMJ in line with federal laws and the laws of all 50 states.

The language in this bill will offer commanders and prosecutors a clear definition of stalking. It will raise awareness, strengthen law enforcement, and underscore the criminality of this conduct to all members of the military community.

Furthermore, it will give commanders a powerful tool to cut stalking off in its early stages—before a stalker's behavior escalates.

I have pushed for these changes for a long, long time, and I am thrilled to see both chambers finally agree on these major steps forward for the military justice system and for the men and women of our armed forces.

Ms. SCHAKOWSKY. Mr. Speaker, today we are being asked to vote on the Department of Defense Authorization conference report. Once again, the House is being required to vote on a bill in the dead of night, without the opportunity to read the language or consider its ramifications. I am especially concerned about two provisions in this bill—provisions that were not in the original House bill, were not the subject of Congressional hearings, and have not been carefully scrutinized. Yet, those two provisions—one that undermines the fundamental right of habeas corpus and the other that undermines the ban on torture—will have profound implications for our legal traditions and our reputation throughout the world.

The first provision, based on a Senate amendment, would limit U.S. courts' historic habeas corpus jurisdiction to review detentions. This would cut off access to the courts by persons held at Guantánamo Bay.

Habeas corpus is one of the most fundamental precepts of American Constitutional tradition. The court-stripping provision included in this legislation would do grievous harm to the rule that the government cannot just lock up people without showing cause to a court. It is not a change that we should enact without careful consideration by the appropriate committees in the House and Senate.

In a letter to Members of Congress commenting on the Senate amendment, Leslie H. Jackson, head of the POW organization, American Ex-Prisoners of War, said ''As we limit the rights of human beings, even those of the enemy, we become more like the enemy. That makes us weaker and imperils our troops. I am proud to be an American and proud of my service to my country. This Amendment, well intentioned as it may be, will diminish us.'' William D. Rogers, former Under Secretary of State during the Ford Administration, also expressed serious concerns about the possible impacts of this amendment. He warns, ''To proclaim democratic government to the rest of the world as the supreme form of government at the very moment we eliminate the most important avenue of relief from arbitrary governmental decision will not serve our interests in the larger world.''

Second, this legislation also includes a provision that would undermine a ban on torture by allowing testimony obtained by torture to be used to hold and to punish detainees. Both the House and the Senate have voted overwhelmingly in past weeks that our nation should prohibit the use of torture. We have agreed that the use of torture is antithetical to a moral nation and that it harms our reputation as the exemplar of democracy and freedom throughout the world. We have also heard from intelligence experts that information obtained in interrogations that use techniques like ''waterboarding'' or simulated drowning, often produce unreliable information. Yet, while this legislation condemns the use of torture on one hand, on the other hand it countenances the use of information obtained through torture to eliminate legal rights.

I urge my colleagues to reject these provisions in order to protect our time-tested judicial review process and to keep our commitment to end the use of torture.

Mr. UDALL of Colorado. Mr. Speaker, this conference report has flaws, and I dislike the way it was developed. But I think it deserves to be approved, and want to highlight a few reasons why.

First, the conference report includes the original McCain amendment related to treatment of detainees, with additional language agreed to by the conferees and the Administration that provides our military and intelligence personnel with criminal and civil defenses modeled on those already provided to military personnel under the Uniformed Code of Military Justice in specific circumstances.

I strongly supported the McCain amendment because, while it's said actions speak louder than words, reputations depend on both—and, fairly or not, for people around the world the actions of a few Americans at Abu Ghraib have left a stain on America's reputation and have made it harder for our troops to win the war against Islamic terrorists. Erasing that stain and protecting our soldiers from abuse will take both respectable actions and credible words—and enactment of this part of the conference report will give credibility to our words.

I also am glad to note that the conference report includes the language adopted by the Senate saying that says 2006 should be a period of significant transition to full Iraqi sovereignty, with Iraqi security forces taking the lead for the security of a free and sovereign Iraq, thereby creating the conditions for a phased redeployment of U.S. forces from Iraq, and requiring quarterly reports until all combat brigades have been redeployed from Iraq.

With my colleagues Representatives OSBORN, TAUSCHER, and SCHWARZ, I urged that this be retained in the conference report as a step toward the greater unity among Members of Congress and the Administration that I think will be needed for a successful outcome in Iraq. So, its inclusion is another reason I support the conference report.

There are also many broad provisions in the bill that benefit our troops. An important one increases the end strength for the Army and Marine Corps by 30,000 and 4,000 respectively, thereby helping to ease the strain on our troops. I'm also glad that the bill includes provisions to increase recruiting and retention incentives, increase the death gratuity to $100,000, and provide a 3.1% pay raise for members of the armed forces. The bill also provides better force protection for our troops, including nearly doubled funding for up-armored Humvees.

Also critical is the report's provision authorizing reservists who agree to continue service to buy into a government-subsidized TRICARE healthcare program for themselves and their families. Along with many of my colleagues in the House, I have fought for some time to expand TRICARE for the Guard and Reserve, so I take great pleasure in knowing that the report includes this provision that will improve healthcare access for our men and women in the Selected Reserve. As long as our Nation continues to use our reserve components in the same capacities as active duty troops, they deserve similar benefits for similar service. The needs of our Reservists will continue to grow as we continue to call them to service in the war in Iraq and Afghanistan.

Also important—especially at this time of budget tightening—is the report's focus on reining in costs of major procurement programs, particularly the Future Combat Systems and other programs that have relied on immature technology. Similarly, provisions included to reform the acquisition system will strengthen current law governing cost overruns.

I am also pleased that the report fully authorizes Cooperative Threat Reduction funding as well as additional funding for a Department of Energy nonproliferation program to implement agreements between the U.S. and Russia. One of the biggest dangers we face is the threat of nuclear weapons and other weapons of mass destruction in the hands of terrorists, yet the CTR program is currently funded at a lower level than it was before September 11th. So I am glad that report conferees recognized the importance of increasing CTR funding.

On a less positive note, I am concerned that the report authorizes nearly $50 billion in a ''bridge fund''—over and above the $440 billion in the regular bill—for FY06 supplemental appropriations for the wars in Iraq and Afghanistan and the global war on terror. While inclusion in the report does mean that the authorizing process has been followed to an extent, still, the additional money in this bridge fund should be included in the regular budget request, since there is nothing unexpected about the need for these funds. The ''emergency'' label that these funds bear hides the fact that they do increase the size of the budget deficit. I don't believe this is a responsible way for us to pay for our military operations.

And I have concerns about the provision related to the ability of detainees at Guantanamo Bay to seek judicial review of their situations. My understanding is that this could have the effect of allowing use of evidence obtained by coercive interrogations. At least one lawyer who represents detainees at Guantanamo has described the combination of the McCain amendment and this provision as one step forward and two steps back. I think we must carefully monitor implementation of this provision and be prepared to consider revisions in the near future.

Further, Mr. Speaker, as a new Member of the Armed Services Committee, I want to express my appreciation to Chairman HUNTER and for working with me on a number of provisions in the report that are important to me and my state of Colorado.

In particular, I am pleased that the report includes favorable language on the Pueblo Chemical Depot, a former chemical weapons site located in southeastern Colorado. Coloradans were alarmed last year when the demilitarization project was put on hold, so they want to see that the Defense Department is committed to using the neutralization technology to destroy the 2,600 tons of mustard agent stored at Pueblo—not transporting the weapons to a different site for destruction. The Colorado delegation has worked hard to put the project back on the right track, so I am grateful for language in the bill directing the Secretary of the Army to continue to implement fully the neutralization technology at Pueblo.

And, finally, the conference report includes provisions dealing with a matter of particular interest to Coloradans—the future of Rocky Flats.

Located at the edge of the Denver metropolitan area, Rocky Flats formerly was part of the complex of sites where nuclear weapons were made. After that use ended, the Department of Energy and its contractors worked to have the site cleaned up and closed. That monumental task is now complete, and when the regulatory certification of cleanup and closure is issued, and most of the site will be transferred to the Interior Department for management as a national wildlife refuge pursuant to the Rocky Flats Wildlife Refuge Act.

That Act, which I sponsored with Senator WAYNE ALLARD, includes some provisions related to the non-Federal minerals—primarily sand and gravel—at Rocky Flats. The purpose of those provisions is to make clear that while these mineral rights are to be respected as private property, their future development could have adverse effects on the land, wildlife habitat, and other values of the future wildlife refuge. I think the best way to avoid that is for the Federal Government to acquire the minerals. This conference report will facilitate acquisition of part of those mineral rights, and while I think its terms leave room for improvement its enactment will enable valuable progress to be made.

In conclusion, Mr. Speaker, I think the conference report deserves enactment and I urge its approval.

Mr. MENENDEZ. Mr. Speaker, I rise in strong support of the extension of the Defense Department's Section 1207 Small and Disadvantaged Business Utilization (SADBU) program through September 2009. I am very pleased to see this program extended in this bill because it has proven to be extremely effective in fighting discrimination in the defense contracting process, and has been tremendously successful in ensuring that African Americans, Latinos, Asians, and Native Americans are able to compete more effectively for government contracts.

The goal of the SADBU program is to provide opportunities for all Americans to take part in the defense contracting process. Since its inception in 1987, the SADBU program has helped to level the playing field for small and disadvantaged businesses. However, there is still a lot that needs to be done. Years of Congressional hearings have shown that minorities have historically been unfairly excluded from both public and private construction contracts in general, and from federal defense contracts in particular. And a recent study by MGT of America revealed that minority-owned and women-owned businesses in New Jersey still faced significant challenges in obtaining state contracts. Many business owners and representatives stated that their opportunities to perform work as subcontractors on state contracts decreased after the suspension of the state's minority and women business enterprise program. If the federal SADBU program were to end, a lot of the progress we have made to this point would likely be erased. That's why this extension is so important.

Mr. Speaker, the 1207 program helps to correct the problems of discrimination without imposing an undue burden on other businesses. It is not a quota. It is not a set-aside. It is not a guarantee of contracts or dollars. It is simply about fairness, and the ability of minority-owned businesses to compete more effectively for federal defense contracts. All of us benefit when recipients of federal opportunities reflect America's diversity, and I'm proud to support the reauthorization of the 1207 program.

Mr. THORNBERRY. Mr. Speaker, I will vote in favor of this bill, but I do not support all of the provisions in it. I am especially concerned about the McCain language related to treatment of detainees in the War on Terrorism and about the consequences of that language on our ability to prevent attacks against Americans.

A recent editorial in the December 14, 2005 issue of USA Today expresses my views very well, and I include it at this point in the RECORD:

[From USA Today, Dec. 15, 2005]

MISGUIDED MORALITY

(By Andrew C. McCarthy and Clifford D. May)

No one favors torture. Torture is already illegal under both U.S. and international law. Nonetheless, the United States is fighting a war against ruthless enemies who obey no rules. We cannot afford to treat all of them with kid gloves all the time.

On the battlefield, we can—and do—kill our enemies. Those we don't kill but only capture should be treated humanely, despite the fact that they do not return the favor when they seize Americans. But those who have information that could save lives must be interrogated effectively. That does not imply torture. It does imply measures that the McCain amendment would ban.

Contrary to what you might have heard, ''ticking time-bomb'' scenarios are not uncommon. Consider the situation faced by Army Lt. Col. Allen West: Fighting near Tikrit, he captured a suspect who refused to divulge information about a planned ambush.

West fired his revolver to frighten the suspect. The trick worked. The terrorist talked. American lives were saved. And West was accused of torture, charged with assault and drummed out of the military. Next time, will an officer in the same situation decide to let Americans be killed—believing that's what Americans back home demand?

Even more common than the ticking time bomb is the scenario in which a ''high-value'' suspect is captured, for example a senior al-Qaeda commander who might not know about an imminent attack but who does have information on terrorist recruiting, training and communications.

In this circumstance, torture is not only unneeded but also unhelpful. But the use of ''stress and duress'' techniques, including rewards for cooperation and punishments for defiance, can, over time, induce a subject to reveal what he knows.

Good policy requires clarity and accountability. Though torture is to be avoided, vague terms such as ''cruel'' and ''degrading'' inevitably would be stretched to coddle terrorists unduly. Congress should instead set clear standards, consulting intelligence experts and medical professionals to flesh out which techniques should always be prohibited (for example, those likely to cause death or permanent disability), and which are permissible—and most likely to yield reliable lifesaving information.

Accountability means not leaving serious judgments to junior personnel. Harsh interrogation methods, such as covert operations under current federal law, should require approval by a highranking administration official.

Obviously, distinctions must be made between terrorist leaders and low-level operatives. Even so, those arguing that it is better to sacrifice the lives of U.S. troops—or even an American city—rather than cause a terrorist temporary discomfort are making a terrible mistake. They urge a self-destructive policy and a misguided morality.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SKELTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

AUTHORIZING THE CLERK TO PRODUCE DUPLICATE ENGROSSMENT OF H.R. 4525

Mr. ISSA. Mr. Speaker, I ask unanimous consent that the Clerk be authorized, if necessary, to produce a duplicate engrossment of H.R. 4525.

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

There was no objection.

ROBERT T. FERGUSON POST OFFICE BUILDING

Mr. ISSA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 1287) to designate the facility of the United States Postal Service located at 332 South Main Street in Flora, Illinois, as the ''Robert T. Ferguson Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 1287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT T. FERGUSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 332 South Main Street in Flora, Illinois, shall be known and designated as the ''Robert T. Ferguson Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Robert T. Ferguson Post Office Building''.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ROBERT T. FERGUSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, shall be known and designated as the ''Robert T. Ferguson Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Robert T. Ferguson Post Office Building''.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: ''A bill to designate the facility of the United States Postal Service located at 312 East North Avenue in Flora, Illinois, as the 'Robert T. Ferguson Post Office Building'.''.

A motion to reconsider was laid on the table.

DR. ROBERT E. PRICE POST OFFICE BUILDING

Mr. ISSA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 4246) to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the ''Dr. Robert E. Price Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DR. ROBERT E. PRICE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, shall be known and designated as the ''Dr. Robert E. Price Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dr. Robert E. Price Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

STATE SENATOR VERDA WELCOME AND DR. HENRY WELCOME POST OFFICE BUILDING

Mr. ISSA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 4108) to designate the facility of the United States Postal Service located at 3000 Homewood Avenue in Baltimore, Maryland, as the ''State Senator Verda Welcome and Dr. Henry Welcome Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,