

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

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

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

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

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

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

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

Republicans have irresponsibly funded the majority of their misguided Iraqi adventure through supplementals. But they couldn't resist also including tens of billions more in today's

Defense Appropriations bill. In H.R. 5631, taxpayer money is appropriated as a so-called "bridge fund" for the first six months of war operations during fiscal year 2007. But our troops should be brought home immediately. The bill's billions are, in reality, a bridge to more death and destruction. The United States' continued occupation encourages Iraqi civil war and feeds the insurgency, providing terrorists with refuge and recruits.

Once upon a time, Congress took its oversight role seriously. Not today. Despite a recent Pentagon report that found significant cost overruns in 36 major weapons systems, this bill increases defense spending by a whopping \$19.1 billion. As a result, defense spending will now total more than half of the entire federal discretionary budget!

Instead, we should provide quality education and health care to all Americans. I urge my colleagues to join me in voting no to additional spending on ineffective missile systems and a counterproductive war.

Mr. GENE GREEN of Texas. Mr. Chairman, thank you for recognizing me for some comments on H.R. 5631 and I urge my colleagues to join me in supporting this balanced bill that supports our troops and addresses critical issues to our Nation's safety and security.

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

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

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

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

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

The second project will modernize the Standard Army Retail Supply Systems (SARSS) and Standard Army Ammunition System (SAAS) and combine the two systems

into one by rewriting it in a Microsoft Windows environment.

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

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

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

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

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

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

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

The Acting CHAIRMAN. The committee will rise informally.

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

MESSAGES FROM THE PRESIDENT

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

The Committee resumed its sitting.

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

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

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed

in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$25,259,649,000.

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

Ms. LEE. Mr. Chairman, let me thank the gentleman for yielding and for his leadership and for the very hard work that he consistently does for the security of our Nation.

I appreciate this opportunity to discuss an issue that is of great importance, and that is ensuring that our Federal dollars are not used to support groups or individuals engaged in efforts to overthrow democratically elected governments.

Mr. Chairman, in an ideal world, we would not need to have to explicitly stipulate this, but events in Haiti in 2004 and in Venezuela have led me to believe that we need to codify this straightforward nonpartisan position.

As we know, the administration has committed its second term to spreading democracy around the world, and this should not be a partisan issue. It is at the core of our Nation's values; and quite simply put, it is fundamental to who we are as a people and what we stand for as a Nation.

However, Mr. Chairman, we need to be sure that this administration, or equally any future administration, that if they do not agree with certain democratically elected governments, that it does not use the Department of Defense funds to overthrow those democratically elected governments. Such actions fly in the face of our own fundamental democratic principles. So I would just like to ask the gentleman from Pennsylvania (Mr. MURTHA) if he could comment on this and what his views are with regard to the ideas that we are presenting today.

Mr. MURTHA. Mr. Chairman, I want to assure the gentlewoman from Cali-

fornia I agree, we certainly should not overthrow a democratically elected government. I appreciate the gentlewoman's long concern and attention to raising this issue. And I want to assure her that as this bill moves forward we will be mindful to work with her and her staff to do everything we can to help.

Ms. LEE. Mr. Chairman, let me just say, thank you, again, to the gentleman for his attention to this issue and to so many issues that are important to our Nation. He is truly a courageous hero to many of our minds and many of our views, and we look forward to continuing to work with him and the entire House in standing up for democracy throughout the world.

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

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

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

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

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

We just passed the Transportation-Treasury-HUD appropriation bill, which provided a 2.7 percent pay increase for civilian Federal workers, as well as targeted pay increases for a variety of enlisted personnel and officer grades. We need to make the strong statement that we value our Armed Forces just as much as we do our civilian public servants. My amendment simply increases military personnel pay by 2.7 percent over fiscal year 2006.

Every day we are reminded of the sacrifice our children and our neighbors are making. Over 2,500 soldiers have died in Iraq, and over 19,000 have been injured. Several years ago military personnel were paid 13 percent less than comparable civilian pay. This gap, however, has narrowed within the past few years to 6.5 percent in fiscal year 2005. And it is my goal to ensure that we will continue to narrow even more in the coming years.

According to the fiscal year 2006 pay charts, after 4 months of service, newly

enlisted individuals earn less than \$2,000 per month even if they have completed ROTC courses or 2-year or 4-year college programs. Mr. Chairman, I know we can do better.

I want to thank both Mr. MURTHA and Mr. YOUNG of Florida for being steadfast warriors on the battlefield of benefits for our military and for increasing the benefits to their families and to them. I would hope with the increases in experience and education and commission that we are seeing in our young military that we will close the civilian gap so that our young military, our reservists, National Guard, and others will not suffer this, if you will, incompatibility with their needs.

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

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

Mr. MURTHA. Mr. Chairman, I want to assure the gentlewoman from Texas that both the chairman and I have done everything we can to make sure that the pay is comparable with the civilian sector. In the past it was usually opposite.

And what we are concerned about in the amendment you were going to offer was where it came from. So we are going to work something out. If there is an increase in the civilian pay, you can be assured that the Defense Department will get the same increase.

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

I yield to the gentlewoman from Texas for her question.

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

This is an amendment that I would have offered, and I am delighted to not have to be able to offer it. And I thank the gentleman from Pennsylvania and thank the gentleman from Florida. And in noting all of their work, we have worked together, and I am very appreciative and hopeful that we will be able to work together on this increase in salaries and compensation for our brave men and women.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

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

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

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, in response to the gentlewoman's question, as Mr. MURTHA suggested, we look for every way that we can to enhance the quality of life for the members of our military, to get as many pay increases and as many benefits as we can, because we recognize how important that these heroes are, these warriors are, to the security of our Nation.

I thank the gentlewoman for bringing up this issue, but I would say Mr. MURTHA and I have looked for every opportunity we can to make things better for those who serve in our military.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$19,049,454,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$7,932,749,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$19,676,481,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving

on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,034,500,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,485,548,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$498,556,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,246,320,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,693,595,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of

title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$2,038,097,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$11,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$22,292,965,000: *Provided*, That of funds made available under this heading, \$2,499,000 shall be available for Fort Baker, in accordance with the terms and conditions as provided under the heading "Operation and Maintenance, Army", in Public Law 107-117.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$6,129,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$29,853,676,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$3,351,121,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$29,089,688,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$19,883,790,000: *Provided*, That not more than \$25,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed \$40,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds made available under this heading, \$6,300,000 is available for contractor support to coordinate a wind test demonstration project on an Air Force installation using wind turbines manufactured in the United States that are new to the United States market and to execute the renewable energy purchasing plan: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one

of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That \$4,000,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,064,512,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,223,628,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$202,732,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$2,659,951,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$4,436,839,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$5,035,310,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$11,721,000, of which not to exceed \$5,000 may be used for official representation purposes.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2557, and 2561 of title 10, United States Code), \$63,204,000, to remain available until September 30, 2008.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$372,128,000, to remain available until September 30, 2009.

TITLE III PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$3,529,983,000, to remain available for obligation until September 30, 2009, of which \$27,375,000 shall be available for the Army National Guard and Army Reserve: *Provided*, That \$19,200,000 of the funds provided in this paragraph are available only for the purpose of acquiring one (1) HH-60L medical evacuation Variant Blackhawk helicopter only for the Army Reserve.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,350,898,000, to remain available for obligation until September 30, 2009, of which \$110,000,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,047,804,000, to remain available for obligation until September 30, 2009, of which \$218,481,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,710,475,000, to remain available for obligation until September 30, 2009, of which \$197,181,000 shall be available for the Army National Guard and Army Reserve.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$7,005,338,000, to remain available for obligation until September 30, 2009, of

which \$534,360,000 shall be available for the Army National Guard and Army Reserve.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$10,590,934,000, to remain available for obligation until September 30, 2009, of which \$154,800,000 shall be available for the Navy Reserve and Marine Corps Reserve.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$2,533,920,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$775,893,000, to remain available for obligation until September 30, 2009, of which \$19,600,000 shall be available for the Navy Reserve and Marine Corps Reserve.

SHIPBUILDING AND CONVERSION, NAVY

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

Carrier Replacement Program (AP), \$784,143,000;
 NSSN, \$1,775,472,000;
 NSSN (AP), \$676,582,000;
 CVN Refuelings, \$954,495,000;
 CVN Refuelings (AP), \$117,139,000;
 SSN Engineered Refueling Overhauls (AP), \$22,078,000;
 SSBN Engineered Refueling Overhauls, \$189,022,000;
 SSBN Engineered Refueling Overhauls (AP), \$37,154,000;

One DD(X) Destroyer, \$2,568,111,000;
 DDG-51 Destroyer, \$355,849,000;
 DDG-51 Destroyer Modernization, \$50,000,000;
 Littoral Combat Ship, \$520,670,000;
 LPD-17 (AP), \$297,492,000;
 LHA-R, \$1,135,917,000;
 Special Purpose Craft, \$4,500,000;
 Service Craft, \$45,245,000;
 LCAC Service Life Extension Program, \$110,692,000;

Prior year shipbuilding costs, \$436,449,000; and

For outfitting, post delivery, conversions, and first destination transportation, \$410,643,000.

In all: \$10,491,653,000, to remain available for obligation until September 30, 2011: *Provided*, That additional obligations may be incurred after September 30, 2011, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$5,022,005,000, to remain available for obligation until September 30, 2009, of which \$23,000,000 shall be available for the Navy Reserve and Marine Corps Reserve.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,191,113,000, to remain available for obligation until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment lay-

away; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$11,852,467,000, to remain available for obligation until September 30, 2009, of which \$470,300,000 shall be available for the Air National Guard and Air Force Reserve.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$3,746,636,000, to remain available for obligation until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,079,249,000, to remain available for obligation until September 30, 2009, of which \$163,800,000 shall be available for the Air National Guard and Air Force Reserve.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$15,423,536,000, to remain available for obligation until September 30, 2009, of which \$145,600,000 shall be available for the Air National Guard and Air Force Reserve.

PROCUREMENT, DEFENSE-WIDE

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

\$2,890,531,000, to remain available for obligation until September 30, 2009.

NATIONAL GUARD AND RESERVE EQUIPMENT

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

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$39,384,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$11,834,882,000, to remain available for obligation until September 30, 2008.

AMENDMENT OFFERED BY MR. MURTHA

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

The Clerk read as follows:

Amendment offered by Mr. MURTHA:

On page 27, line 17, insert after the first dollar amount, the following: “(reduced by \$5,000,000) (increased by \$5,000,000)”.

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

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

There was no objection.

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

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

Mr. MURTHA. I appreciate it.

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

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$17,654,518,000, to remain available for obligation until September 30,

2008: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$24,457,062,000, to remain available for obligation until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$21,208,264,000, to remain available for obligation until September 30, 2008.

□ 1500

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

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

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas.

Page 28, line 23, before the period, insert the following: “; *Provided*, That not less than \$10,000,000 of the funds appropriated in this paragraph shall be used for prosthetic research”.

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

The Acting CHAIRMAN. The gentleman reserves a point of order.

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

Living near a veterans hospital, having the pleasure of having represented the veterans hospital in Houston, Texas, and living in the State of Texas and recognizing the facilities that we have dealing with the rehabilitation of injured persons including injured soldiers, I would say that this is one of the more important funding areas that this bill has an ability to address. Why? Because we realize that some 19,000 of the U.S. military and the number is growing have been injured.

As we know, both Mr. YOUNG and Mr. MURTHA have steadily provided insight as they visited the troops in many of our military hospitals, including Bethesda and Walter Reed; and as I have had the opportunity to visit those hospitals, as well as the veterans hospital in Houston, the Michael DeBakey Hospital, which I had the pleasure of naming in honor of Dr. Michael DeBakey, one of the world's renowned heart surgeons, but also a veteran of World War II.

This idea of funding more prosthetics research is recognizing the cherished defenders of our Nation. It is giving them a second chance at life. This amendment would add additional funding of \$4 million in that area. We know that every day they stand between the status quo and an ideal for a better future.

Might I just say that we have seen some of the more heinous injuries coming from the IEDs in Afghanistan and Iraq. U.S. troops injured in Iraq have required limb amputations at twice the rate of past wars. Bulletproof Kevlar vests protect soldiers' bodies, but not their limbs.

I am exhilarated that the rate of death is the lowest of any war we have fought in our history, and I am sure that my colleagues join me in that. Yet we must continue the responsibility of rehabilitation.

The good news is that prosthetic research by the military has generated their finest quality of prosthetic limbs, and we have seen and I have seen young men and women experience the joy of being able to walk again or to use their arms again. They, of course, must now readjust to life at home, they must relearn how to move, how to eat, how to walk, how to go grocery shopping, how to cook and how to adapt to the rest of their lives.

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

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

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

POINT OF ORDER

The Acting CHAIRMAN. Does the gentleman from Florida insist upon his point of order?

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

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

Mr. Chairman, the amendment proposes to appropriate funds for an earmark that is not authorized. The

amendment therefore violates clause 2 of rule XXI.

I ask for the ruling of the Chair.

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

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

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

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

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

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will take the time to discuss the point of order and not discuss it, simply to say this amendment's intention was to further highlight both the work already done by the ranking member and the subcommittee Chair, but also to express the need in my particular locality in Houston, Texas, where a number of these veterans are coming back needing prosthetics.

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

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

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

There was no objection.

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

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

There was no objection.

The text of the bill through page 73, line 5 is as follows:

OPERATIONAL TEST AND EVALUATION,
DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evalua-

tion, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$181,520,000, to remain available for obligation until September 30, 2008.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,345,998,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$1,071,932,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

PENTAGON RESERVATION MAINTENANCE
REVOLVING FUND

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

TITLE VI

OTHER DEPARTMENT OF DEFENSE
PROGRAMS

CHEMICAL AGENTS AND MUNITIONS
DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,277,304,000, of which \$1,046,290,000 shall be for Operation and maintenance; \$231,014,000 shall be for Research, development, test and evaluation, of which \$215,944,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2008; and no less than \$111,283,000 shall be for the Chemical Stockpile Emergency Preparedness Program to remain available until September 30, 2008.

DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for

transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation, \$936,990,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$216,297,000, of which \$214,897,000 shall be for Operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$1,400,000, to remain available until September 30, 2009, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$256,400,000.

INTELLIGENCE COMMUNITY MANAGEMENT
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, \$597,111,000, of which \$27,454,000 for the Advanced Research and Development Committee shall remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, \$39,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, \$1,500,000 for Procurement shall remain available until September 30, 2009 and \$1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2008: *Provided further*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counter-terrorism, and national security investigations and operations.

TITLE VIII

GENERAL PROVISIONS

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

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall

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

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

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

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,750,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section must be made prior to June 30, 2007: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such

funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

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

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

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

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

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

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

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

C-17 Globemaster; MH-60R Helicopters; MH-60R Helicopter mission equipment; and V-22 Osprey.

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

SEC. 8010. (a) During fiscal year 2007, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2007.

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

SEC. 8011. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8012. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8013. (a) LIMITATION ON CONVERSION TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a

most efficient and cost effective organization plan developed by such activity or function;

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

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

(B) \$10,000,000; and

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

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

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

(b) EXCEPTIONS.—

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

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

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

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

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

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

(TRANSFER OF FUNDS)

SEC. 8014. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8015. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8016. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8017. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8018. In addition to the funds provided elsewhere in this Act, \$8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code: *Provided further*, That, during the current fiscal year and hereafter, businesses certified as 8(a) by the Small Business Administration pursuant to section 8(a)(15) of Public Law 85-536, as amended, shall have the same status as other program participants under section

602 of Public Law 100-656, 102 Stat. 3825 (Business Opportunity Development Reform Act of 1988) for purposes of contracting with agencies of the Department of Defense.

SEC. 8019. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 30 months after initiation of such study for a multi-function activity.

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

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than \$36,188,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$25,087,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$10,193,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) \$908,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

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

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

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

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2007 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2007, not more than 5,417 staff years of technical effort (staff years)

may be funded for defense FFRDCs: *Provided*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2008 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$25,000,000.

SEC. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8025. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

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

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2007. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

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

SEC. 8028. Notwithstanding any other provision of law, funds available during the current fiscal year and hereafter for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8029. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8030. (a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

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

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

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

SEC. 8031. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8032. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2008 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2008 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2008 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8033. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2008: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2008.

SEC. 8034. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8035. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

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

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

SEC. 8036. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and

was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8037. (a) Except as provided in subsection (b) and (c), none of the funds made available by this Act may be used—

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

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

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

SEC. 8038. The Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, notwithstanding any other provision of law, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the House report accompanying this Act, and the projects specified in such guidance shall be considered to be authorized by law.

(RESCISSIONS)

SEC. 8039. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Other Procurement, Army, 2006/2008", \$100,200,000;

"Aircraft Procurement, Navy, 2006/2008", \$76,200,000;

"Shipbuilding and Conversion, Navy, 2003/2007", \$15,000,000;

"Shipbuilding and Conversion, Navy, 2005/2009", \$11,245,000;

"Aircraft Procurement, Air Force, 2005/2007", \$108,000,000;

"Aircraft Procurement, Air Force, 2006/2008", \$64,000,000;

"Missile Procurement, Air Force, 2005/2007", \$29,600,000;

"Missile Procurement, Air Force, 2006/2008", \$138,000,000;

"Research, Development, Test and Evaluation, Army, 2006/2007", \$21,600,000;

"Research, Development, Test and Evaluation, Navy, 2006/2007", \$42,577,000;

"Research, Development, Test and Evaluation, Air Force, 2006/2007", \$92,800,000; and

"Research, Development, Test and Evaluation, Defense-Wide, 2006/2007", \$123,900,000.

SEC. 8040. None of the funds available in this Act may be used to reduce the author-

ized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8041. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8042. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program, and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8043. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8044. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

SEC. 8045. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8046. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made

in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8047. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

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

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

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

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

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

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

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

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

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

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

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

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

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

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

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

SEC. 8054. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided*

further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

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

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

If not, the Clerk will read.

The Clerk will read as follows:

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale of the F/A-22 advanced tactical fighter to any foreign government.

AMENDMENT OFFERED BY MS. GRANGER

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

The Clerk read as follows:

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

Ms. GRANGER. Mr. Chairman, my amendment simply deletes section 8057 of the underlying bill. While there was merit in including this provision in 1997 when it was first enacted, the provision has become unnecessary due to comprehensive safeguards enacted into permanent law under the Arms Export Control Act, which is vigorously enforced by the Department of Defense.

I believe this provision of this bill is no longer necessary to safeguard our technology. I have discussed this amendment with both sides, and I ask that it be adopted.

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

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

I would say to the gentlewoman that we will agree to this amendment. However, I would like to advise her and the House that as we move to the conference on this bill, we are going to be extremely involved in determining that the protection of our technology

will be very, very positive. This aircraft, this weapons system, has a lot of great technology that we have to protect. So we have to work out the proper language, and we will do that as we go through the conference.

We are willing to accept the amendment with that understanding.

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

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

So I said, well, if that is the case, if we are going to build the thing, at least let's make certain that we hang onto our technology edge this time. Hence, the language in section 8057.

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

So given that fact, I would simply say that I have indicated on numerous occasions that I have an open mind and I would be willing to be persuaded, but I am not yet convinced that we are at the point where we ought to relinquish the controls on the export of this aircraft.

I recognize what the committee is about to do, but I am significantly uncomfortable with it, and I am certainly not convinced that we have reached the point where we ought to remove these restrictions. I would simply ask the chairman, I would hope that if the committee does intend to accept this amendment, that it will have an in-depth discussion with the Pentagon to make certain that we know exactly what we are doing in terms of the kind of technology that we might be letting loose, that it might not be in the interest of this country to do.

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

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

Mr. YOUNG of Florida. Mr. Chairman, I want to assure the gentleman that protecting this technology is extremely important to this chairman. This is a super aircraft. It is just an unbelievable weapons system. Mr. MURTHA and I have both seen it fly, we have talked with the pilots who fly it, we have seen the systems that they use, and this gives us technology superiority in the air. Anyone that goes into

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

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

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

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

Mr. Chairman, I find the exchange between the Chair, the ranking member, and the gentlewoman from Texas to be very interesting; I appreciate the sensitivity with which it is being approached by the subcommittee as we move on to conference. I hope that there will be a way, sooner, rather than later, that we can have a broader conversation about export controls and about dual use technology, because I am hearing on a regular basis that we are not correlating these in ways that are in the best interest of our national security and in terms of the way that we are practicing technology control in the ordinary course of business.

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

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

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

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

gentleman makes a very good point, and it has not fallen on deaf ears.

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

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

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

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

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

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

SEC. 8059. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

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

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

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

SEC. 8060. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity:

Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and maintenance, and research, development, test and evaluation accounts of the Department of Defense which are current when the refunds are received.

SEC. 8065. (a) REGISTERING FINANCIAL MANAGEMENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD CHIEF INFORMATION OFFICER.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

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

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

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

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

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

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

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

- (A) Business process reengineering.
- (B) An analysis of alternatives.
- (C) An economic analysis that includes a calculation of the return on investment.
- (D) Performance measures.
- (E) An information assurance strategy consistent with the Department's Global Information Grid.

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

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

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

SEC. 8066. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8067. Notwithstanding section 12310(b) of title 10, United States Code, a Reservist who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32 may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8068. None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military

nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary-tracer (API-T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8069. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8070. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8071. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, \$78,300,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8073. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2007.

SEC. 8074. In addition to amounts provided elsewhere in this Act, \$2,500,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8075. Amounts appropriated in title II of this Act are hereby reduced by \$71,100,000 to reflect savings attributable to efficiencies and management improvements in the funding of miscellaneous or other contracts in the military departments, as follows:

(1) From “Operation and Maintenance, Army”, \$31,100,000.

(2) From “Operation and Maintenance, Navy”, \$35,000,000.

(3) From “Operation and Maintenance, Marine Corps”, \$5,000,000.

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

“Operation and Maintenance, Army”, \$20,000,000.

“Operation and Maintenance, Marine Corps”, \$2,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8077. Of the amounts appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide”, \$77,175,000 shall be made available for the Arrow missile defense program: *Provided*, That of this amount, \$13,000,000 shall be available for the purpose of producing Arrow missile components in the United States and Arrow missile components and missiles in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8078. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy”, \$436,449,000 shall be available until September 30, 2007, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer such funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading “Shipbuilding and Conversion, Navy, 1999/2007”:

New SSN, \$15,000,000;

Under the heading “Shipbuilding and Conversion, Navy, 2000/2007”:

LPD-17 Amphibious Transport Dock Ship Program, \$39,049,000;

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

New SSN, \$31,000,000;

Carrier Replacement Program, \$318,400,000;

Under the heading "Shipbuilding and Conversion, Navy, 2003/2007":

New SSN, \$22,000,000;

Under the heading "Shipbuilding and Conversion, Navy, 2005/2009"; and

LPD-17 Amphibious Transport Dock Ship Program, \$11,000,000.

SEC. 8079. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under section 7622 of title 10, United States Code arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: *Provided*, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

SEC. 8080. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of the Intelligence Authorization Act for fiscal year 2007.

SEC. 8081. None of the funds in this Act may be used to initiate a new start program without prior written notification to the Office of Secretary of Defense and the congressional defense committees.

SEC. 8082. (a) In addition to the amounts provided elsewhere in this Act, the amount of \$5,400,000 is hereby appropriated to the Department of Defense for "Operation and Maintenance, Army National Guard". Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of \$5,400,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

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

SEC. 8083. FINANCING AND FIELDING OF KEY ARMY CAPABILITIES.—The Department of Defense and the Department of the Army shall make future budgetary and programming plans to fully finance the Non-Line of Sight Future Force cannon (NLOS-C) and a compatible large caliber ammunition resupply capability for this system supported by the Future Combat Systems (FCS) Brigade Combat Team (BCT) in order to field this system in fiscal year 2010: *Provided*, That the Army shall develop the NLOS-C independent of the broader FCS development timeline to achieve fielding by fiscal year 2010. In addition the Army will deliver eight (8) combat operational pre-production NLOS-C systems by the end of calendar year 2008. These systems shall be in addition to those systems necessary for developmental and operational testing: *Provided further*, That the Army shall ensure that budgetary and programmatic plans will provide for no fewer than seven (7) Stryker Brigade Combat Teams.

SEC. 8084. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$13,000,000 is hereby appropriated to the Department of Defense, to remain available until September 30, 2007: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: \$4,500,000 to the Intrepid Sea-Air-Space

Foundation; \$4,000,000 to the Center for Applied Science and Technologies at Jordan Valley Innovation Center; \$1,000,000 to the Women in Military Service for America Memorial Foundation; \$2,000,000 to The Presidio Trust; and, \$1,500,000 to the Red Cross Consolidated Blood Services Facility.

SEC. 8085. The budget of the President for fiscal year 2008 submitted to the Congress pursuant to section 1105 of title 31, United States Code shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8086. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8087. Of the amounts provided in title II of this Act under the heading "Operation and Maintenance, Defense-Wide", up to \$20,000,000 is available for the Regional Defense Counter-terrorism Fellowship Program, to fund the education and training of foreign military officers, ministry of defense civilians, and other foreign security officials, to include United States military officers and civilian officials whose participation directly contributes to the education and training of these foreign students.

SEC. 8088. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8089. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8090. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that

it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8091. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed \$100,000,000 under the authority provided by this section: *Provided further*, That the funding transferred shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the Senate and the House of Representatives, unless sooner notified by the Committees that there is no objection to the proposed transfer: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8092. (a) The total amount appropriated or otherwise made available in title II of this Act is hereby reduced by \$45,000,000 to limit excessive growth in the travel and transportation of persons.

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

SEC. 8093. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8094. The Secretary of Defense may present promotional materials, including a United States flag, to any member of an Active or Reserve component under the Secretary's jurisdiction who, as determined by the Secretary, participates in Operation Enduring Freedom or Operation Iraqi Freedom, along with other recognition items in conjunction with any week-long national observation and day of national celebration, if established by Presidential proclamation, for any such members returning from such operations.

SEC. 8095. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions the total amount appropriated in title II of this Act is hereby reduced by \$514,800,000, the total amount appropriated in title III of this Act is hereby reduced by \$93,900,000, the total amount appropriated in title IV of this Act is hereby reduced by \$315,900,000, the total amount appropriated in title V of this Act is hereby reduced by \$10,400,000, the total amount appropriated in title VI of this Act is hereby reduced by \$10,350,000, and the total amount appropriated in title VII of this Act is hereby reduced by \$3,650,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account: *Provided further*, That this reduction shall not apply to "Central Intelligence Agency Retirement and Disability System Fund".

SEC. 8096. Notwithstanding any other provision in this Act, to reflect savings from favorable foreign currency fluctuations, the total amount appropriated in title I of this Act is hereby reduced by \$23,200,000, the total amount appropriated in title II of this Act is hereby reduced by \$32,800,000, the total amount appropriated in title III of this Act is hereby reduced by \$22,100,000, the total amount appropriated in title IV of this Act is hereby reduced by \$20,200,000, the total amount appropriated in title V of this Act is hereby reduced by \$700,000, the total amount appropriated in title VI of this Act is hereby reduced by \$700,000, and the total amount appropriated in title VII of this Act is hereby reduced by \$300,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

SEC. 8097. The Secretary of Defense shall, not later than 90 days after the enactment of this Act, submit to the congressional defense committees a report detailing the efforts by the Department of Defense Education Activity (DoDEA) to address dyslexia in students at DoDEA schools: *Provided*, That this report shall include a description of funding provided in this and other Department of Defense Appropriations Acts used by DoDEA schools to address dyslexia.

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

TITLE IX ADDITIONAL APPROPRIATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

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

MILITARY PERSONNEL, NAVY

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

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$495,456,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$659,788,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related

to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

RESERVE PERSONNEL, NAVY

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

NATIONAL GUARD PERSONNEL, ARMY

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

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$24,280,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, NAVY

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

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,781,500,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, AIR FORCE

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

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$2,186,673,000, of which up to \$300,000,000, to remain available until expended, may be

used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OPERATION AND MAINTENANCE, ARMY

NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$220,000,000: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", \$4,000,000,000, to remain available for transfer until September 30, 2008, only to support operations in Iraq or Afghanistan and classified activities: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: *Provided further*, That of the amounts provided under this heading, \$2,500,000,000 shall only be for classified programs, described in further detail in the classified annex accompanying this Act: *Provided further*, That not less than \$1,500,000,000 shall be available for the Joint IED Defeat Organization: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds

from this appropriation: *Provided further*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

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

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$1,214,672,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$275,241,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$1,939,830,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$34,916,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$131,400,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making

appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$143,150,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by H. Res. 818 (109th Congress).

OTHER PROCUREMENT, NAVY

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

PROCUREMENT, MARINE CORPS

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

AIRCRAFT PROCUREMENT, AIR FORCE

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

MISSILE PROCUREMENT, AIR FORCE

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

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$9,850,000, to remain available for obligation until September 30, 2009: *Provided*, That the amount provided under this heading is designated as making appropriations for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, pursuant to section 402 of H. Con. Res. 376 (109th Congress), as made ap-

plicable to the House of Representatives by H. Res. 818 (109th Congress).

PROCUREMENT, DEFENSE-WIDE

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

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

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

GENERAL PROVISIONS

SEC. 9001. Appropriations provided in this title are available for obligation until September 30, 2007, unless otherwise so provided in this title.

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

(TRANSFER OF FUNDS)

SEC. 9003. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$2,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

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

SEC. 9005. None of the funds provided in this title may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 9006. Notwithstanding any other provision of law, of the funds made available in this title to the Department of Defense for operation and maintenance, not to exceed \$1,000,000,000 may be used by the Secretary of Defense, with the concurrence of the Secretary of State, to train, equip and provide related assistance only to military or security forces of Iraq and Afghanistan to enhance their capability to combat terrorism and to support United States military operations in Iraq and Afghanistan: *Provided*, That such assistance may include the provision of equipment, supplies, services, training, infrastructure and funding: *Provided further*, That the authority to provide assistance under this section is in addition to any

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

SEC. 9007. (a) From funds made available in this title to the Department of Defense, not to exceed \$500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2007), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

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

SEC. 9009. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, and executed in direct support of the Global War on Terrorism only in Iraq and Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9010. The reporting requirements of section 9010 of Public Law 109-148 shall apply to the funds appropriated in this title.

SEC. 9011. Amounts provided in chapter 1 of title V of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 are hereby designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

□ 1515

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 114, line 24 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

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

The Clerk will read.

The Clerk read as follows:

SEC. 9012. None of the funds made available in this Act may be used by the Government of the United States to enter into a basing rights agreement between the United States and Iraq.

AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

Mr. Chairman, I believe that we should not foreclose our options in Iraq, and H.R. 5631 prohibits the United States from entering into any military base agreement with Iraq. If we rule out all bases, we forego a critical part of diplomatic relations. My amendment would strike this section from the bill.

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

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

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

The use of the term "permanent bases" is a loaded term. The BRAC process clearly demonstrates there is no such thing as permanent U.S. military bases, even within the United States. Furthermore, military basing agreements can be negotiated for any length of time, including short term and temporary, and they can be renegotiated at any time. I am not proposing installation of permanent bases in Iraq with this amendment, Mr.

Chairman. I am simply asking that the United States be allowed to pursue this historically necessary avenue of responsible foreign relations.

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

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

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

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

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

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

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

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

I understand Mr. KING's amendment, and I understand how serious he considers this to be; but what I am worried about is this: if we strike this prohibition from this bill that was well thought out, what we are saying to the Iraqi people and what I am satisfied the propaganda machine of al Qaeda in Iraq are going to do is use this and say:

see there, we told you so. The Americans plan to occupy us for the rest of our lives.

We don't have any plan to do that, and we don't want the Iraqi people to think that we are going to do that, and we don't want the American people to think that we are going to be constantly occupying Iraq. I understand Mr. KING's interest, and most of the time I agree with him, but in this case I can't agree with him because I just think it sends the wrong message not only to the people of Iraq, not only to the people of America, but to the people of other Muslim nations who might say, hey, are we next? Are we going to be occupied? Are we going to have American troops in our streets? We don't want that to happen. We don't want that message delivered across the oceans. I think that we have to defeat this amendment.

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

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

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

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

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

I would like to enter into a colloquy with Mr. MURTHA, and I would invite participation of the chairman if he is so inclined, because I have an issue that I hope the conferees will consider when they meet to work out the final version of the bill.

Specifically, I would like to ask that the conferees examine the need to include funding to provide for the videotaping of interrogations of detainees in U.S. custody.

Now, as Members of this House know, I have before the House a bill that would, if enacted, require that all interactions between detainees at Guantanamo and similar facilities and U.S. personnel be videotaped. Videotaping interrogations would not only help deter any claims of actual or potential abuse of detainees, but just as importantly, it would protect the interrogators from false accusations of abuse.

Indeed, across this country, including in my own district, many police departments routinely videotape interrogations for precisely these reasons. It is a powerful and effective tool for protecting both the interrogator and the one being interrogated.

Additionally, videotaping interrogations would ensure that the maximum possible intelligence value is gained during and after the interrogation sessions. If analysts and linguists have the chance to review videotaped interrogations, they have additional opportunities to evaluate both the quality of the information gleaned from the interrogation, but they will also be able

to look for body language and other clues about the truthfulness of the person being interrogated.

And I should mention that the legislation I have and what we are talking about here has been endorsed by a variety of groups as an effective way to conduct interrogations with the protections of all involved, and I know they would be supportive of the conferees acting on this request. I hope that I can have the cooperation of my friend from Pennsylvania.

Mr. MURTHA. If the gentleman would yield, is it the gentleman's understanding that such interrogation is not currently being videotaped?

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

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

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

□ 1530

Mr. ISRAEL. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the distinguished ranking member.

Mr. Chairman, I want to thank the chairman and ranking member and the entire subcommittee for excellent work on the Defense Appropriations Act of 2007. This act does an extraordinary job of continuing the transformation of our forces, while funding our military at war.

Mr. Chairman, I believe that every military threat now and in the foreseeable future is derived from or impacted by one thing, and that is our dependence on foreign oil.

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

The Department of Defense uses 97 percent of all Federal fuel consumption, and half of that is used for fuel for the Air Force. A single F-16 can burn 28 gallons of gas a minute, in fact.

Mr. Chairman, unfortunately, \$10 million for the Air Force's alternative

fuels research program to help reduce our reliance on foreign oil to fly our own Air Force planes is not included in the budget.

I was going to submit an amendment that I would let the Air Force allocate \$4 million for B-52 synthetic fuels testing, \$3 million for other synthetic fuel testing, and about \$3 million for studies on synthetic fuel and suitability for use in jet engines. However, I will not proceed with my amendment in the hope that the honorable gentleman and ranking member will pursue this effort during conference with the Senate.

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

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

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

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

AMENDMENT OFFERED BY MR. CASTLE

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

The Clerk read as follows:

Amendment offered by Mr. CASTLE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

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

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

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

Unfortunately, while there is no doubt that U.S. weapons programs continue to be the best in the world, the Department's acquisition process has at times run into problems such as dramatic cost increases, late deliveries, and significant performance shortfalls, wasting billions of dollars in critical funding.

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

Specifically, the GAO noted that the Department regularly provides these bonuses to contractors, often giving them second, third and fourth chances, despite the fact that the contractor's work does not fulfill the Department's expectations.

As part of its report, the GAO issued detailed recommendations for how the Department could improve its strategy for using incentives to motivate exceptional performance. The Pentagon has concurred with the majority of GAO's suggestions, and during consideration of the fiscal year 2007 defense authorization bill in May, I successfully included an amendment by voice vote that would implement these reforms.

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

The Pentagon recently identified significant cost overruns in 36 of its major weapons systems. With such costs rapidly increasing, my amendment ensures that none of the funds provided in this bill will be used to continue the wasteful incentive practices identified by GAO.

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

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

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

Mr. Chairman, the subcommittee is well aware of the issue that the Castle amendment addresses. In fact, the sub-

committee had scheduled a hearing to look into not only this issue, but a number of other acquisition issues where we believe that there can be some performance changes. Unfortunately, because of a heavy voting day on the floor, we had to postpone that hearing, which will be held sometime in July now.

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

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

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

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

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

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

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

During consideration of the Defense Authorization Act, we wisely passed an amendment also authored by Mr. CASTLE that requires the Defense Department to develop and issue standards that link award and incentive fees to desired program outcomes, such as meeting

cost, schedule, and capability goals. I look forward to the Department implementing these standards, but until they do we should ensure unwarranted and undeserved payments are not paid.

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

The amendment was agreed to.

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

Mr. Chairman, hell hath no furry like an electronic warfare officer spurred into action.

This field is quite technical and obscure, but provides one of the keys to answering the question of why the United States can command the skies with such few casualties.

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

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

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

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

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

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

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

The gentleman has reminded me, and I remember very well, in Kosovo and Bosnia we had to bring the EA-6Bs from all over the world to concentrate on their mission there. So the additional capability, I think, is well-intended. I will be glad to work with the gentleman as we go to conference.

As you are well aware, our 302(b) allocation was \$4 billion less than the President's request, and so we had to do some cutting. Unfortunately, there are a lot of things that we would have liked to have done that we just could not do. The money was not there, but the gentleman makes a very important point that this capability is extremely important, I think more so than most people realize, but as an officer who flew in those aircraft, you know an awful lot about this.

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

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

AMENDMENT OFFERED BY MR. ENGEL

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

The Clerk read as follows:

Amendment offered by Mr. ENGEL:

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

SEC. . It is the sense of Congress that the Department of Navy is to be commended for having the highest percentage of Alternative Fuel Vehicles acquired by any federal agency during fiscal year 2005.

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

The CHAIRMAN. The gentleman from Florida reserves a point of order.

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

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

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

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

From the bottom of my heart, I believe that our Nation's addiction to oil has a direct threat to our national security. The Federal Government has to lead the way that will ease our dependence on unstable, undemocratic, oil-producing sheikdoms.

The bill before us today pays for the costs of our operations in Iraq, paid for with taxes from the American people. At the pump the American people pay for gasoline, and some of the profits are finding their way into the pockets of the terrorists that our brave men and women are fighting right now. So, in essence, we are paying for the war on terror twice, and we have to stop this insanity.

The way to do it is to look at alternative means of producing our energy. We have to take the fight to the terrorists before they come back here, and that is not the only part of the solution. What we do here at home is obviously just as important. So ending our dependence on oil must be a key to this.

Just yesterday Roll Call ran a special section called, "Fueling Alternatives." There were editorials by myself, by Senator BURNS, former Senators Dole and Daschle, and we all spoke of the importance of ethanol as an alternative fuel. Columns by Senator BAYH and Representative KINGSTON talked about providing incentives to consumers to purchase alternative-fuel vehicles. I am doing a bill with Representative KINGSTON that would do exactly that, wean us off of Middle Eastern oil.

We have a broad, bipartisan group of Members of Congress who see the benefits for our national security, our economy and our environment if we take these steps to end our addiction.

And so I find myself on the floor again, though this time I am pleased to be able to talk about the good work of two agencies of the Federal Government; two agencies that are in the forefront of our fight against terrorism; two agencies that are strained to the limit with incredible demands; two agencies that have, in the midst of numerous other missions, taken a small step to lead the way to our safety and security. So I commend the Navy and I commend the Army and for all that they do and for being the leaders as well in procuring alternative-fuel vehicles.

Mr. Chairman, I will cede the point of order, and I ask unanimous consent to withdraw my amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. CHOCOLA

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

The Clerk read as follows:

Amendment offered by Mr. CHOCOLA:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available by this Act may be obligated or expended for the development, deployment, or operation of the web-based, end-to-end travel management system of the Department of Defense known as the Defense Travel System.

□ 1545

Mr. CHOCOLA. Mr. Chairman, in 1998, the Department of Defense had a very good idea. They had the idea that they should consolidate the literally millions of trips DOD personnel made every year on an electronic-based travel management system that would result in quicker, easier, and more efficient travel and thus saving taxpayers money.

Despite the good idea, Mr. Chairman, 8 years and almost \$500 million later, what we have is a no-bid contract to develop a system that is essentially inoperable, has pitifully low utilization rates, and cannot even guarantee it can book the lowest applicable airfare. Therefore, Mr. Chairman, my amendment would simply limit the money available to fund this failed effort, which is known as the Defense Travel System, or the DTS.

Now, I know that some will oppose this amendment and they will say that we cannot afford to stop the investment now because we have invested so much and we are so close to success. The unfortunate reality is that we must stop now because we have wasted so much and success is nowhere in sight. I think that argument has been made in 2002, 2003, 2004, 2005, and now 2006; and I think it is time to cut our losses.

After 8 years of development and almost \$500 million spent, less than 15 percent of all DOD travel is actually booked on the system. Logically, that means over 85 percent of the travel in DOD is booked on traditional travel services. Every trip that is booked on the system is also manually reviewed by a travel agent to confirm that the transaction is complete and that it has attained the lowest applicable airfare because the system cannot guarantee that it can attain the lowest applicable airfare.

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

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

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

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment would bar all funds in this act for development, deployment, or operations

for the Defense Travel System. This would put us back to millions of individual transactions that would be almost totally unaccountable and which would have no proper oversight.

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

The prohibition on spending any money to develop, deploy or operate would bar the Department from even operating the current system and would also bar the Department from continuing any improvements to DTS. This would ultimately leave the Department's 3.5 million active duty military, reserve, and civilian employees without any travel system. DTS is currently the only system that can meet the full spectrum of cost, capability, security, and savings requirements, as well as the protection of personal information so important to the Defense Department and its global travelers.

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

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

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

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

So what we have now is already \$5 billion that is being invested in a system that doesn't seem to save any money, and certainly I don't think the

case can be made that it is essential to our national security or essential to our war effort.

We are sitting here in very challenging fiscal times, when our national debt, in just a few years, has gone from \$5.5 trillion to \$8.5 trillion, Mr. Chairman. Of course, at the same time, tax revenues have escalated. We have personal tax revenues up 15 percent and corporate tax revenues are up 40 percent. That would seem to indicate that the challenge in the national debt is on the spending side.

So when you have 10,000 Federal programs spread across 500 to 600 different agencies, it is almost impossible for any one Member or any one committee to have effective oversight on each and every one. So I applaud the gentleman from Indiana on his work here. Because we all know that soon, soon in America's future we will face a very, very bad fork in the road. One fork is going to lead us to a Federal Government that consists of almost nothing but Medicare, Medicaid, and Social Security. There may be no Department of Defense. There may be no Border Patrol. We will see that in one generation.

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

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

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

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

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

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

Or else, if we had decided for the 15 percent of the people who are actually using the system, we could have bought a fleet of \$250 million personal jets and used \$1 million a year to fuel those jets up and fly the people around.

All the facts point to a system that is behind schedule, overbudget, and inoperably broken, costing taxpayers a lot of money. At times like this, Congress should help agencies stop digging themselves deeper holes. This amendment will stop funding this wasteful program and allow DOD to stop digging themselves into a deeper hole they should not be in and reconsider a better plan for scheduling, ticketing, and paying for travel.

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

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

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

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

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

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

AMENDMENT OFFERED BY MR. MARKEY

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

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

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

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and any regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

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

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

There was no objection.

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

Now, this may all seem very familiar, because I offered essentially the same amendment to three appropriation bills on this House floor last year, and each time the amendment was adopted with near unanimity. And since those votes, we also passed the amendment of Senator MCCAIN, which prohibits cruel, inhuman or degrading treatment of detainees under the law.

But President Bush, in his signing statement of that bill, announced that he did not feel bound by the restrictions on this administration's ability to be able to torture individuals who come within the protection of the United States Government. The Bush administration says that it can choose to ignore what the United States Congress says and actually what the President signs, a bill which binds him to implement.

This House cannot and should not allow the administration to get away with simply ignoring laws enacted by Congress. This is particularly the case when we are talking about torture, where the international reputation of our Nation is at stake.

In addition to refraining from the practice of torture under international law, we also have a responsibility as a Nation that we not outsource torture to other countries, that is, that we render, that we extraordinarily render prisoners who we have captured to other countries which we know engage in torture, and accept as a promise from that country they will not torture these individuals, even though these countries are on the list of the State Department as countries that we know engage in torture.

This policy must be rejected by this House. We should not and cannot undermine our standing as the international leader in human rights by allowing for the outsourcing of torture in the name of the United States to fight terrorism, because we send a signal to the rest of the world that we are not willing to abide by the rules that we say we intend for the rest of the world to adopt.

And make no mistake, that is what this country is doing when it carries out renditions of prisoners that we have captured to notorious human rights' violators; it is outsourcing torture. It must be rejected. I urge an "aye" vote on my amendment.

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

As usual, Mr. MARKEY is very persuasive, as he has been in the past. It is

important that the United States Congress make it very clear to anyone who would listen that we do not intend to use torture and that we do not use torture or inhumane treatment.

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

□ 1600

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used by the Office of the Secretary of Defense for the project designated as the "Wind Demonstration Project".

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

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

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

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

How can we honestly say to Members that Members have a real oversight, that we have real accountability here

when we are spending millions of dollars?

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

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

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

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

We know that wind energy is the most unreliable there is, and how we are supposed to pursue renewable projects to increase energy security at military installations by installing windmills simply strains reason.

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

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

For instance, some years ago we came up with a research project to produce fuel for jets out of coal, and now you would think it was the Air Force's idea, and we will save as much as 50 percent of oil costs for the jet fuel. This is something where the commercial side is way ahead, and we certainly ought to be trying to reduce our dependence on foreign oil. I would ask for a "no" vote on this amendment.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. SCHIFF

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

The Clerk read as follows:

Amendment offered by Mr. SCHIFF:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

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

(1) the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); or

(2) chapter 119 or chapter 121 of title 18, United States Code.

(b) For purposes of this section, the terms "electronic surveillance" and "United States" have the meanings given those

terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

Mr. SCHIFF. Mr. Chairman, I would like to commend Chairman YOUNG and Ranking Member MURTHA for forging a strong bill to fund our Defense Department and DOD entities, and I applaud them for their hard work and dedication. As we consider this important bill today, I appreciate the opportunity to address a crucial issue.

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

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

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

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

When Congress passed these statutes, it intended that they provide the sole authority for surveillance on American soil. Our amendment simply reinforces existing law that the government must obtain a court order when U.S. persons are targeted or surveillance occurs in the United States of America.

Recently when the Attorney General testified in the Judiciary Committee, I asked about the limiting principle of the NSA program; was it restricted only to international calls; what if the administration decided tomorrow it had the inherent authority to tap purely domestic calls between two Americans, did it feel it could do so without court order; and the Attorney General said that he would not rule it out. He would not rule out having the pure authority without going to court to tap the calls between two Americans on American soil.

So what is the limiting principle if this program can change from day to day without the input of Congress? The only limiting principle is the good faith of the executive, which, when the executive shows it is infallible, might

be a sufficient limiting principle, but the executive is no more infallible than we are here in Congress, and so we have a role to play.

In enacting FISA, Congress specifically sought to balance our national security interests with legitimate civil liberty concerns. In so doing, Congress expressly permitted surveillance without court order for 15 days after the declaration of a war.

Additionally, Congress provided the authority to engage in electronic surveillance for up to 72 hours without court order.

Furthermore, after the September 11 attacks, the administration came to Congress and asked us to modify FISA to respond to the new challenges in the war on terror, and Congress responded by making those changes.

Electronic surveillance of al Qaeda operatives and others seeking to harm our country must continue; it simply can and should comply with the law.

We stand ready to work with the administration if further statutory revisions to FISA or other authorities are required to meet the new challenges in the war on terrorism. Until then, we must restore the rule of law. I urge the House to do so today.

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

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

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

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

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

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

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

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

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

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

The activities are reviewed for this program every 45 days. We are making every attempt to make sure that this program is carried out correctly and safely and doesn't infringe on the rights of the American people. The NSA's activities under this authorization are thoroughly reviewed by the Justice Department and NSA's top legal officials, including NSA's general counsel and inspector general.

Mr. Chairman, I strongly oppose this amendment.

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

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

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

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

□ 1615

And I know there are a lot of people in the executive branch that know about it. But the way I read this amendment, you say follow the proper procedure and you agree with the amendment. You agree with the procedures. I think that there is some real benefit if they do it right. But if this passes, I think you ought to know this is authorizing the program. And if it

fails, you are saying, in fact, let them go ahead and not pass. So we are in a catch-22 position here, Mr. Chairman. And we can't talk about it at all. And I think we have to be careful that more and more people don't talk about it so that more people don't know the value of the program. We have got a heck of a problem here. And I recommend we vote against it. But if we vote against it, then we actually are saying, well, you can go ahead with the program as it is. And yet I believe there are enough safeguards. But if we pass it, we actually are authorizing the program.

I don't even know if we can work it out, Mr. Chairman, because there are so few people that really know about the program.

Mr. SCHIFF. Will the gentleman yield?

Mr. MURTHA. I will be glad to yield.

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

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

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

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

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

As Mr. MURTHA said, for those that have been briefed on this program on a regular basis, I am not aware of anyone who is concerned that the rights of Americans to their privacy have been violated. I certainly do not believe that the rights of Americans have been violated in this program. And so I think it is crucial to oppose this amendment;

this is far beyond politics. It goes a lot deeper. This goes to the safety and the security of American people wherever they might be. And it is unfortunate that we can't reveal everything that is done, how it is done, where it is done, when it is done; but believe me, it is effective and the privacy of the American people have been protected.

Mr. SCHIFF. Will the gentleman yield?

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

Mr. SCHIFF. Mr. Chairman, I appreciate your thoughts and I appreciate your yielding. And we are up against a vicious enemy, and we ought to have every power of intelligence and every tool in the tool box and I completely agree with that. I think we can do that within the laws that the Congress has passed. And the gravamen of my concern is something that took place in the Senate, when one of our GOP colleagues asked the administration, during the debate over the PATRIOT reauthorization, which I supported, do we need to change FISA. We were making modest changes to FISA, and the Republican Senator said, Do we need to do something larger? And the administration response was no, that FISA is operating just fine as it is.

Now, if there are changes that need to be made, there is a 72-hour after-the-fact authorization. If that window is too short, it can be lengthened. If there are other problems, they be changed. And all that can be changed without disclosing to the public the nature of the program itself.

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

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

Mr. DICKS. Will the gentleman yield?

Mr. YOUNG of Florida. I will.

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

Mr. YOUNG of Florida. I am not.

Mr. DICKS. Well, you know, that would certainly clear it up without getting into any classified information if somebody here, the chairman of the

Intelligence Committee or the chairman of the Full Committee or someone can say, yes, the administration is complying with FISA, and they have taken this program to the FISA court for clearance. That is what people who support this amendment are concerned about, that Congress enacted legislation here saying that if you want to go out and gather this kind of information, you have to first go to the FISA court to get approval and to show cause. I think that is what this really all gets down to.

The CHAIRMAN. The time of the gentleman from Florida (Mr. YOUNG) has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 2 additional minutes.)

Mr. DICKS. So that is the question we have here, Mr. Chairman.

Mr. YOUNG of Florida. I will continue to yield in just a minute. On the legal aspects of this, I am going to Mr. LUNGREN. I think he is prepared, and he will probably get his own time, because I am limited to 2 minutes.

But in the minute I have left, I will yield to Mr. LAHOOD.

Mr. LAHOOD. Mr. Chairman, let me just say I am the longest-serving member of the Intelligence Committee. I am in my eighth year. I am the vice chairman of the committee.

If it were disclosed, the answers that you want, it would be a violation of those who serve on the committee and those who have been briefed. They can't disclose that information. They will be thrown off the committee.

Mr. DICKS. I was on the committee for 8 years and served as the ranking member.

Mr. LAHOOD. I know you were. But this is highly classified information.

The CHAIRMAN. The gentleman from Florida has the time.

Mr. YOUNG of Florida. Mr. Chairman, I have yielded to the gentleman from Illinois.

Mr. LAHOOD. This is highly classified information. What you all need to know is, the people that you have put your trust in, that the leadership have put their trust in, those that serve on the Defense Appropriations Subcommittee, those that serve on the Intelligence Committee have been briefed. Now you have to trust them that they know what is going on here.

All 435 members can't be briefed, because we all love to talk and it would get out.

So what I am saying to you, the gentleman from California, the author of the amendment, you need to trust Mr. MURTHA, you need to trust the chairman of the committee. You need to trust Mr. HOEKSTRA. You need to trust JANE HARMAN. These are people with the responsibility from your leadership to serve on these committees. They know what is going on.

Mr. SCHIFF. Will the gentleman yield so I can respond to the question?

Mr. YOUNG of Florida. Mr. Chairman, I would suggest that the other Members get their own time.

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

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

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

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

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

And yet, I want to make clear, not all members of the Defense Appropriations Subcommittee have been briefed. Now, I believe they should have, because taxpayers dollars go through the appropriations bill, and I think every member of that subcommittee needs to know what the facts are on this case.

But the fact is, let's not get into the belief that it is the Congress who routinely leaks. The White House routinely leaks more classified information than the Congress even has. And anybody who doesn't believe that doesn't know the score.

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

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

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

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

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

Mr. Chairman, I am a member of the Defense Subcommittee on Appropria-

tions, as well as the House Select Committee on Intelligence. I'd like to answer several questions that have come up with this amendment.

When questioned about the purpose of this amendment, the author said that he thought that the FISA law, or the Foreign Intelligence Surveillance Act, should be rewritten. And there are some who believe that legislation should be rewritten because it was originally penned in 1978, and we have had significant changes in technology since that time. Each of us carries a phone or BlackBerry, none of which existed in that format back at the time. So there have been changes that have gone on to our technology.

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

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

□ 1630

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

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

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

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

Very quickly, the only thing the amendment provides is that surveillance on American soil cannot be funded if it is not in compliance with FISA. So if you are in compliance, if this program complies with FISA, it could go on.

Just to address the chairman's point, and this is on the same point you are making, too, which is we should not be debating this on the House floor, that you should introduce the bill, and it should be heard in committee. Mr. Chairman, we have introduced the bill.

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

Mr. TIAHRT. Reclaiming my time, I suggest you pursue your bill then, because what you are doing here absolutely ties the hands of the Federal Government from protecting us, and it does not rewrite FISA.

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

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

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

Mr. Chairman, there are times where the Constitution needs to be considered, and this is one of those times. Those of us who support this amendment, I hope that both Republicans and Democrats will do so because I think Republicans and Democrats ought to agree on one central proposition, and that is the proposition that our government ought to protect our citizens aggressively, assertively. We need electronic surveillance to be doing it to the full extent of the law, and that intelligence should be done in compliance with the American way.

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

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

Now, why is that important? It is important because the people who fought the Revolution realized that no American is perfect, and that includes no American President. To the proposition that all men are created equal, you can add the proposition that no

man is created perfectly. And that is why we demand some judicial oversight on this.

And, by the way, the central argument I have heard about this is that a few Congressmen have said it is okay, apparently. Well, calling a few Congressmen is not enough under the law. Why? Because the law is very specific. It says that each application for an order approving electronic surveillance under this subchapter shall be made by a Federal officer in writing, upon oath or affirmation, to a judge. To a judge. And we are great Congressmen. I have eminent respect for all the people who were briefed on this. But not a single one of them wears a black robe, and not a single one of them was given authority by the United States Constitution to make this decision. Calling RAY or NORM or any of my great colleagues and saying, "Does this sound okay to you," is not enough in American democracy.

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

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

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

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

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

We have heard on this floor about illegal acts. I would remind my colleagues that the supreme law of the land is the Constitution, and the President has inherent authority under Article II of the Constitution in this area. We may not like it, but the fact of the matter is that is one of the reasons you have elections for a President, to have the authority and the power that he has under the Constitution. The vesting clause of Article II of the Constitu-

tion which gives the President executive authority, coupled with his authority as Commander in Chief of the Armed Forces, forms the basis for the surveillance of al Qaeda members and those who are affiliated with al Qaeda.

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

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

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

According to Madison, the ultimate check on Presidential power possessed by the Congress rests with the "first principle in free government."

According to John Marshall in *Marbury v. Madison*, the limits on such Presidential authority must be found elsewhere in the Constitution itself.

Look, we ought to look at what Justice White observed in his concurring

opinion in the Katz decision. These are the words of Justice White: "Wiretapping to protect the security of the Nation has been authorized by successive Presidents." In other words, it did not start with this administration. He said, "The present administration would apparently save national security cases from restrictions against wiretapping." Again, Justice White's words: "We should not require the warrant procedure and the magistrate's judgment if the President of the United States or his chief legal officer, the Attorney General, has considered the requirements of national security and authorized electronic surveillance as reasonable."

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

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

So I would suggest, as we look at this, we understand that we may have a debate about how the President has done it, but to suggest that what he has done is unlawful or illegal does not recognize either the Constitution or the comments of the Founding Fathers in support of the Constitution.

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

Mr. Chairman, when President Carter signed the FISA into law, he said in his signing statement: The bill requires for the first time a prior judicial warrant for all electronic surveillance for foreign intelligence or counterintelligence purposes in the United States in which communications of U.S. persons might be intercepted. It clarifies the executive's authority to gather foreign intelligence by electronic surveillance in the United States. It will remove any doubt about the legality of those surveillances which are conducted to protect our country against espionage and international terrorism. It will assure FBI field agents and others involved in intelligence collection that their acts are authorized by statute, and, if a person's communications are concerned, by a court order, and it will protect the privacy of the American people.

In my reading of FISA, and I served for 8 years on the Intelligence Committee, 4 years as the ranking member, I do not think there is an exception here. I do not think the President of the United States has inherent authority to violate FISA.

If you took Mr. LUNGREN's approach to this problem, he can comply with

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

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

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

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

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

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

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

Both of you are the authors of this amendment.

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

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

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

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

□ 1645

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

I think you are exactly right about my colleague from California's argument, which is basically the President

has the inherent authority to do anything he wants when he wants, surveil who he wants when he wants, how he wants, for whatever reason he wants.

In fact, this is why I made the point. When the Attorney General testified in committee, he said he believed, as evidently my colleague from California does, the President has the inherent authority to tap calls between two Americans on American soil, that he wouldn't rule that out.

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

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

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

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

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

Mr. Chairman, I thank the gentleman, the main sponsor of this amendment, and I am pleased to be a cosponsor of it.

I would love for the President to have this authority, as he should have it. I would love to give him this authority, but I think unless he is going to go under FISA, he ought to come ask for it. I think that he needs it, I think it is proper.

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

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

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

There is a separation of powers argument here. We are a coequal branch of

government, and I think it is our constitutional obligation to say if you are not going to use FISA, tell us why. Tell us what we need to do to make it more applicable.

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

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

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

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

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

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

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

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

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

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

The amendment is very simple. It is so straightforward, I am just going to read a portion of it right now. "None of the funds made available in this act may be used to engage in electronic surveillance in the United States except as authorized under the Foreign

Intelligence Surveillance Act of 1978" and other chapters cited here.

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

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

Maybe we should have this program. We certainly want to intercept any communications from al Qaeda. But it does concern me that the members of the same Intelligence Committee cannot tell us whether or not the program as it is currently configured is complying with FISA. That certainly is not a classified thing, whether or not it is configured to comply with FISA. The fact that the members of the Intelligence Committee cannot tell us whether it is configured with FISA or not is troubling.

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

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

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

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

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

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

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

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

But let's just make it clear: If you don't think you can get a law passed by the Congress, you don't get to choose to ignore it. It is not an a la carte system. Our Constitution is based on the

rule of law. We can protect the American people, we can intercept al Qaeda communications, and we can do it in accordance with the rule of law.

I urge my colleagues to adopt this amendment.

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

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

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

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

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

We have had some Supreme Court cases cited. Youngstown Sheet and Tube against Sawyer, which restricted the President in a time of war, was not mentioned.

Let's be very clear: History does not dictate the answer. This calls on every Member of this House to say what kind of Constitution do you want? Do you want one in which the President can have unchecked executive power, not just in time of war, but any time?

We are in what the President now says is a war against terrorism that is unlikely to have an end. So we are not talking about temporary wartime powers. We are talking about what kind of Constitution do you want?

We have a President who has asserted his right to do whatever he thinks necessary to protect the country, including, remember, arresting American citizens and having them incarcerated indefinitely with no chance to present a case. The Supreme Court said, whoa, that goes a little too far. But this is what the President has asserted with regard to FISA.

One gentleman said, well, remember what Griffin Bell said. I will be honest with you, I have found that as a gen-

eral principle, ignoring Griffin Bell is a good idea. I have always done that in important cases. But what Griffin Bell said or didn't say doesn't tell us.

And this is the question, not what John Jay said or this one said, because you can quote each other to death. What kind of Constitution do you want? Do you want one where the President of the United States without any check can do what he thinks best? Because, by the way, the courts won't be involved here, because they can avoid a court decision by never prosecuting based on this evidence.

So the only potential check here is if we say no. Yes, you can wiretap, as long as you can get a warrant. And getting warrants under FISA is not hard. But we do not like the principle of an unchecked Presidential power.

I will yield to my friend from California if he will begin by answering this question: Conservatives tell me they like to be textual with regard to the Constitution. Would he cite for me, I thought maybe the Constitution got changed while I wasn't looking, so I went and read article II, it took about a minute and a half, it is a pretty small article. I am glad to see the President can get paid. It is right there in the Constitution.

But would he cite for me the text of the Constitution, article II, which empowers the President to do this, even if Congress tells him not to?

I will just add this. With regard to Youngstown Sheet and Tube, as I recall the analysis, it was there are three situations. I will ask for additional time, because I would like to have a colloquy. The President acting alone, the President acting with Congress, and the President acting in contradiction to what Congress has said.

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

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

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

Mr. FRANK of Massachusetts. Please read it. I would ask the gentleman literally to please read it, because I think it doesn't say what he says it says. Please read it.

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

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

Mr. DANIEL E. LUNGREN of California. It is the vesting clause of the Constitution, vesting in the President

the executive authority, coupled with his authority as Commander in Chief.

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

Secondly, I would just say that the gentleman is right that we do have the power of the purse.

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

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

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

□ 1700

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

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

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

Mr. FRANK of Massachusetts. So that if he can find, I thank the gentleman and I appreciate that. I take back my time. The gentleman knows the rules. The gentleman knows the rules. He may not know the Constitution, but he knows the rules. I take back my time just to say, so we understand—

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

(By unanimous consent, Mr. FRANK was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Let us have the common ground. The question here, and I think I will accept this, we are not debating constitutionality here; we are debating what public policy ought to be. The gentleman from California agrees it is appropriate for us to consider it and agrees that, if it passes, the President is bound by it.

Now, I would yield to the gentleman. Are there other places the President can then find this money? Is that what the gentleman is saying? If the President were to be bound by this, would the gentleman suggest the President

could then do this anyway in some other fashion? I would yield to him.

Mr. DANIEL E. LUNGREN of California. This doesn't cover all expenditures of the President under all circumstances. This is limited to the funds that are contained in this bill, as you know, because it is an appropriation bill.

But could I mention one thing, because there has been some question about this. The FISA court of review issued an opinion in 2002 which stated: all the other courts that have decided the issue held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information.

Mr. FRANK of Massachusetts. We are beyond that. Look, I do not think the Constitution, I will be honest with you, I think people decide and then they pick the—

Mr. DANIEL E. LUNGREN of California. Can we talk about—

Mr. FRANK of Massachusetts. I am taking back my time. Let us debate the merits. Let us not hide behind—

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

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

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

I yield first to the gentleman from Washington.

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

Mr. FRANK of Massachusetts. Let me just say this. Here is the constitutional text that my friend from California invoked, and pretty accurately. Good memory the gentleman has. Article II, section 1: The executive power shall be vested in a President of the United States of America, period.

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

that the executive power is vested in him simply is a way of putting the question. The question is, What is the executive power?

I yield to the gentleman from California.

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

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

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

Mr. FRANK. I ask for an additional minute.

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

Mr. YOUNG of Florida. Reserving the right to object, and I will not object, but we are talking in circles. We are not even talking about some of the main issues that are before us. The sponsor of the amendment just admitted that we are talking about an authorization. This is an appropriations bill. This should be done at an authorization committee where you all are.

Mr. FRANK of Massachusetts. I thank the gentleman.

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

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

The CHAIRMAN. The gentleman withdraws his reservation.

The gentleman from Massachusetts is recognized for 1 minute.

Mr. FRANK of Massachusetts. In my remaining minute, I understand, I will say that my good friend from Pennsylvania I think is probably not distressed that we are talking about something that is not the heart of the bill. But the fact is, I will close by this, we are talking about it here because this is the only enforceable way to put restraints on the President. And I will tell you why I think it is important. Chaplain Yee at Guantanamo, Burton Mayfield in Oregon, Wen Ho Lee under the Clinton administration, there are, sadly, cases of entirely innocent individuals who were prosecuted and gone after.

I don't think the President is ill intended here. And I think the law enforcement people are the good guys; I just don't think they are the perfect guys. So I want to give them power, but I want to subject that to some check beforehand and some process afterwards. And that is what we are

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

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

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

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

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

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

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

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

We have had some discussions and disagreements as to the extent of the number of people that should have been briefed on the authorizing committee. We have worked through that process, and now every single person who has the desire to be briefed on this program is briefed on the program and have had

the opportunity or will be given the opportunity when they get new questions to have every single one of their questions answered.

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

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

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

Ms. HARMAN. I appreciate it that you mentioned bipartisanship and mentioned our committee. I had not been planning to speak during this debate. I have great admiration for the bipartisan sponsors of this amendment. I also agree with their point, which is that the total program must comply fully with FISA. But my view is, as the chairman has stated, that we should deal with this issue in the legislative committee. And the reason we should deal with this issue in the legislative committee is that it is, as everybody here fully understands, very, very complicated. A number of us, 50 of us, are supporting H.R. 5371, The Listen Act.

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

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

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

Mr. HOEKSTRA. Reclaiming my time, absolutely. And as we have talked about it, and I appreciate the patience of my colleague as we have worked through the briefings of the entire committee and as we move forward, the legislative hearing on H.R. 5371 and other legislative initiatives that some of our colleagues are developing that address both the FISA issues which may apply to the current program but also which will be further reaching in terms of taking a look at different technology and those type of things as that has evolved is something that I think we can do on a bipartisan basis, and I am committed to doing.

Ms. HARMAN. And if you would yield to me again, first, to note that the

American Bar Association and numerous civil liberties groups support H.R. 5371. But my further question is, Do you agree that the entire program should be covered by law? The President may have inherent authority to do things, but eavesdropping on Americans in America must be covered by the law that Congress passed. I am not asking you to agree to that point because you may not, although I feel strongly about it. But I am asking you whether you agree that it is the Congress that should determine the legal basis for the President's actions and not the White House acting unilaterally.

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

I thank my colleagues.

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

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

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

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

□ 1715

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

Subsequently the Congress developed the Foreign Intelligence Surveillance Act, FISA, in 1978. There are some of us who believe that FISA itself is a compromise of the fourth amendment of the Constitution. The fourth amendment of the Constitution guarantees

independence and privacy to every single American citizen, and there are some of us who believe that the FISA Act compromises that. Nevertheless, it is the law.

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

ANNOUNCEMENT BY THE CHAIRMAN

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

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

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

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

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

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

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

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

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

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

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

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

Mr. DICKS. Mr. Chairman, the major point here that the opposition to this makes is the President has inherent authority. That has not been tested at the Supreme Court because once FISA

was enacted, that was enacted to limit unbridled Presidential authority. I believe FISA is the only way that you can proceed; that the President must go to FISA if he is going to conduct these kind of foreign intelligence activities.

Mr. HINCHEY. Mr. Chairman, reclaiming my time, the gentleman is exactly right. That is the law currently. Whether that law violates the Constitution is an open question. Nevertheless, because it has not been contested, it is the law, and the President, the administration, all of us have to live by that law.

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

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

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

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

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

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

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

He is in a cave, he is in Afghanistan, he is in Baghdad, he is talking. Let us talk about Israel, okay? Do you think the Mossad, if somebody is speaking from Jordan, and there are known terrorists operatives, and they are speaking to somebody in Israel, they want to put down the listening device and go in front of a judge? That is what we are talking about. Are we at war, or are we not at war? It is a known al Qaeda operative.

They are overseas, and suddenly they are talking to an American citizen, be it in the United States or elsewhere, and it is time to put down and stop listening and go find a judge and put together a brief and get a judge to review it? I believe we are at war, and they want to kill us. They want to kill our wives. They want to kill our children.

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

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

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

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

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

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

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

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

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

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

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

Mr. INSLEE. Mr. Chairman, if you will yield just for a moment, I just want to make sure members understand what we are voting on.

If this amendment passes, the President of the United States and his executive authority will be able to continue

to listen to these conversations unimpeded, unimpeded, as long as they go to a judge 72 hours after.

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

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

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

As you noted, Mr. Chairman, some of us on the committee and a total of 50 Members of this House have introduced H.R. 5371, the LISTEN Act, which would require that this program be brought fully under FISA, and which also states that more resources will be made available to change the way FISA is implemented so that using electronic means, more staff, whatever it takes, there will be a more efficient way to get 72-hour emergency warrants. I know you are aware of the contents of our bill.

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

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

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

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

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

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

But in terms of your simple question, I just had to take the shot, the opportunity to respond to just what I thought were some unfair characterizations as to what you and I have been doing in the committee.

I commit that we will have a legislative hearing on this and other pro-

posals that will create a framework that hopefully can move out of committee, but there will be a legislative hearing, yes.

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

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

Ms. HARMAN. Mr. Chairman, I want to clarify this for myself and others who are listening.

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

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

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

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

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

Mr. FRANK of Massachusetts. Mr. Chairman, we are further along than we were, but the phrase "consensus," consensus is nice, but nothing in the House rules or the Constitution or the writings of John Jay say that it is a prerequisite for moving legislation.

I would hope that the gentleman would say on an issue that we all agree is important, a bill will come to the floor, the majority will decide, but I do not think those of us not on the committee ought to only get an opportunity to legislate on this if there is a consensus.

Now, if you are telling us do not do it as an amendment to the appropriations bill, Mr. Chairman, because the bill is going to come forward, we need to know that a bill is going to come forward, consensus or not, and then the House can decide what it wants to do.

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

Ms. HARMAN. Mr. Chairman, I yield to the gentleman from Michigan, and I would appreciate it if he would answer that comment.

Mr. HOEKSTRA. Mr. Chairman, to my good friend from Massachusetts, consensus means that we have 12 votes to move a bill out of committee. All right. Consensus does not mean 21 ayes and zero noes. Okay. So thank you for that clarification.

I think it is also important to know that moving a bill to floor that would deal with this issue, we would probably not be the only committee of jurisdiction. Other committees would have jurisdiction as well.

The CHAIRMAN. The time of the gentlewoman from California (Ms. HARMAN) has expired.

(On request of Mr. SCHIFF, and by unanimous consent, Ms. HARMAN was allowed to proceed for 30 additional seconds.)

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

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

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

Ms. HARMAN. Mr. Chairman, I wish the Judiciary Committee would also act. Mr. CONYERS is a lead author with me of the bill I am talking about. But I think it is critical that the Intelligence Committee act because we have the membership that is briefed on the program, and if we report a bill to the House floor for action, I would hope that the House would respond to that promptly.

□ 1730

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

Mr. Chairman, I must confess I am a little ambivalent about this amendment because the amendment seems to say that we should obey the law, and some people might get the implication if we don't pass the amendment that we are free not to obey the law.

The amendment says that "funds are prohibited from being used to engage in electronic surveillance in the United States except as authorized under the Foreign Intelligence Surveillance Act or title III." Well, the Foreign Intelligence Surveillance Act says that. It says that this title and title III shall be the exclusive, exclusive, that is the word used in the law, the exclusive authority for domestic surveillance, for domestic wiretapping. Anything outside of that is illegal. Anything the administration is doing outside of FISA and title III, by the terms of FISA, is illegal.

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

Now, I just came from the airport, and I heard a little of the debate, with people saying, well, maybe it is too hard to get a warrant. Maybe the work that has to go on beforehand is too

hard and takes too long to get a warrant, even 72 hours after the surveillance begins, which is what FISA says. Well, if that is the case, let the administration make that case and let us amend FISA.

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

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

Now, maybe it should be 96 hours or 5 days. Maybe someone could make a case for that. Let Congress change the law for that. But simply to say, the FBI tells us, the administration tells us that obeying the law is too difficult?

I remember a few years ago hearing ringing phrases from Henry Hyde and a lot of other people about the rule of law. We should impeach a President because he allegedly violated the rule of law. And now we come to this floor and say ignore the law? The administration, if it is too hard, can ignore the law?

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

As I said, I am ambivalent about it because I don't know that we should have to repeat it, but apparently we do. So I urge the adoption of this amendment, and I would remind everybody that to vote against this amendment is to say we are endorsing the violation of the law. We don't care about the rule of law. We endorse the administration's illegal and extraconstitutional action and we are making ourselves complicit in that and there is no protection, because the President now claims the power to disobey any law under his inherent authority under article II as Commander in Chief.

That is a power even George, III, didn't claim, to just disobey the law when he judges it necessary because of his being Commander in Chief of the armed services. He is Commander in Chief of the Armed Services, not of the United States. He is not Commander in Chief of the United States. He is not a monarch.

No President should have the power to disobey the law or to set aside the law when he thinks it necessary. If he thinks changing the law is necessary, come to Congress, change the law, enact a change in FISA. I might support it; I might not. But Congress will work its will. Enact a change in FISA.

Simply to say, as this amendment does, that no funds shall be used except in accordance with law, because the law says no electronic surveillance shall occur, that is the words, no electronic surveillance except as provided in this act or in title III. That is the law. That is what this says. If we have any shame at all, we should adopt this amendment.

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

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

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

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

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

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

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

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

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

Mr. SIMMONS. I yield to the very distinguished chairman of the Defense

Appropriations Subcommittee, the gentleman from Florida.

Mr. YOUNG of Florida. The gentleman from Connecticut has made a strong and convincing policy argument for building two submarines each year sooner than the year 2012, and we have discussed this off and on for the last several weeks. He is very, very persuasive. So I can assure him that I will continue to work with him as we prepare to go to conference and go to conference to address the shortage of submarines in our Navy.

I am a very strong advocate of our submarine capability. I think that is one of the best deterrence systems that we have, one of the best military systems, and I appreciate the work of the gentleman from Connecticut on this issue. As I said, we have had many conversations about this. I know of no better champion of submarines in the House than Congressman SIMMONS.

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

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

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

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

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

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

then comes back down you get a precession. So we have traumatic brain injuries.

We need to examine this, and I want to work with Mr. YOUNG, with Mr. WELDON, and Mr. MURTHA. We need for the Under Secretary of Defense for Acquisition, Technology, and Logistics to conduct a series of comprehensive, non-ballistic and ballistic tests and an evaluation of the Marine Corps light combat helmet and Army combat helmet with all qualified sling, pad, and suspension systems available in accordance with the operational requirements applicable to such helmets.

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

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

Mr. WELDON of Pennsylvania. I thank my colleague for yielding.

Last week, on Thursday, I chaired a hearing in my subcommittee looking at this very issue with helmets, and we have a dilemma right now, Mr. Chairman.

We have all of our Army being outfitted with modern helmets thanks to the good work of the appropriators. 500,000 of these helmets are on order and in place with cutting-edge technology inserts that the soldiers are very happy with. We have the Marines Special Ops units deployed with similar helmets with the inserts the Army is using.

But we have 20,000 marines in theater, and 6,000 of those marines have requested an updated insert that the marines are unwilling to provide. So we have a private nonprofit, headed by a former Navy surgeon, who has raised hundreds of thousands of dollars to buy inserts to give to our soldiers in theater, including the 6,000 marines.

It is a very confusing issue. General Catto last week said, well, we are not going to stop them from using these inserts, but he won't order them for the rest of the marines. What this language does is it says complete this study within 60 days and buy immediately the helmets and the inserts, especially for the Marine Corps that the marines in theater are in fact requesting and using.

Mr. BUYER. I thank the gentleman for his good work.

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

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

Mr. YOUNG of Florida. For those of us who have visited our wounded soldiers and marines in the hospitals understand the importance of the type of injury you are discussing. Sometimes it is very obvious, very evident, and sometimes it is not obvious at all, but it is there.

I believe we can help with what you want to do here. I believe as we write our conference report that will come with the conference product. I think we can direct what it is that you want to see directed, and I am prepared to offer that as we go into the conference.

Mr. BUYER. I thank the chairman, and I yield to Mr. MURTHA.

Mr. MURTHA. I agree.

Mr. BUYER. I thank the two gentlemen and look forward to working with you as we go to conference.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Institute for Exploration at Mystic Aquarium in New London, Connecticut.

Mr. FLAKE. Mr. Chairman, when I saw this earmark, which is \$1 million for research at the environmental center at Mystic Aquarium, Connecticut, I thought I was experiencing *deja vu*. We had a similar amendment in the Energy and Water bill just last week, or 2 weeks ago. Now we are looking at the defense bill, and the only difference is the amount of the earmark. I believe it was \$400,000 then; this defense bill earmark is for \$1 million. My amendment would remove this earmark from the bill.

Now, during our debate a few weeks ago on this subject, we learned that the aquarium has been in operation for over 20 years, that it is an educational and research institution with expertise in ocean environmental studies and in deep sea exploration. We learned that it provides activities and learning for boys and girls clubs. All of these are worthy activities, certainly.

We learned that the world's foremost deep sea explorer collocates his operation at the aquarium. That is Dr. Robert Ballard, I believe.

□ 1745

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

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

I like the Boys and Girls Club, but they aren't fighting for us and defending our country. Maybe they have programs that benefit them at this aquar-

ium, but I would submit that it is no way to spend our defense dollars.

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

Now we were trying to find out when we were researching this amendment, and we were not told much by the Appropriations Committee, so we tried to find out what this is, if it really is Connecticut, and I was told today, no, I think it is in Ohio on Lake Erie. I don't know what the aquarium does. I am anxious to learn what it does and how it contributes to defense.

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

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

Ms. KAPTUR. Mr. Chairman, I rise in opposition to the amendment and oppose the gentleman's effort to try to eliminate the funding for this program.

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

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

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

As you may or may not know, Russia has a base in Crimea, and as both Russia and Ukraine move towards NATO, I think it is important for the United States to find ways to work with them together so we can achieve a very progressive maturation and a set of relationships that include underwater exploration in which everyone feels they have a stake.

One of the side benefits of this particular effort, so you know, is that there will be educational programs relating to math and science. This particular scientific endeavor will be

broadcast through a live network of museums, science centers, Boys and Girls Clubs, and aquariums, perhaps the one the gentleman mentioned. There are literally hundreds of them, including Department of Defense schools in all of the NATO countries. So there is also a benefit for education.

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

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

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

Mr. SIMMONS. Mr. Chairman, I thank the gentlewoman for yielding, and I also rise in opposition to the amendment.

If the logic of the amendment is to be understood, the Department of Defense should not engage in any funding of academic research. I think we know that the Department of Defense expends incredible dollars on academic research, especially applied research, that has application to some of their varied missions.

The United States since World War II has enjoyed subsurface dominance. Just a few minutes ago we talked about the issue of our submarines and our Submarine Center of Excellence in Groton-New London. Well, that Submarine Center of Excellence in Groton-New London is collocated with the Institute for Exploration. We are not talking about funding for fish food and cleaning the tanks. My colleague from Arizona keeps saying it is an aquarium as if we have goldfish in this place, or something like that. That is to trivialize some of the activities that take place there.

The CHAIRMAN. The time of the gentleman from Ohio (Ms. KAPTUR) has expired.

(On request of Mr. SIMMONS, and by unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Ms. KAPTUR. Mr. Chairman, I continue to yield to the gentleman from Connecticut.

Mr. SIMMONS. That is to trivialize the fact that Dr. Robert Ballard, a Navy officer, whose exploration activi-

ties also mirror his activities as a naval officer, and is involved in very interesting and sensitive research in the subsurface.

I would say to my colleague from Arizona, the Department of Defense does engage in funding for academic research. The investment in this program is very consistent with that, and I feel that perhaps in another venue or another time we could make a very detailed explanation as to why this is important to our country.

Ms. KAPTUR. Mr. Chairman, I just wanted to mention to the gentleman from Arizona that some of the following school districts in your State will benefit directly, including the Mesa Unified School District, and schools in Phoenix, Tucson, Scottsdale, Glendale, Yuma, Prescott and the Arizona Science Center in Phoenix is also involved in the dissemination of materials.

The CHAIRMAN. The time of the gentlewoman from Ohio has expired.

(By unanimous consent, Mr. FLAKE was allowed to proceed for 15 additional seconds.)

Mr. FLAKE. Mr. Chairman, the gentlewoman mentioned school districts in my State that would benefit. I would say again, this is the exact point we are making. This is not the Labor-HHS bill. This is the defense bill, for crying out loud. We are trying to fund our defense, and we are bleeding off dollars to aquariums. This is the wrong place to have this debate. It should be on Labor-HHS.

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

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

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

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

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the JASON Foundation.

Mr. FLAKE. Mr. Chairman, I put this next one after the last one because they kind of are similar. Again, the argument has to be why aren't we debating this in the Labor-HHS bill? If we are debating it at all, it should be debated in the Labor-HHS.

This earmark that we are seeking to strike is \$1 million for the JASON Education Foundation in Ashburn, Virginia. Again, it seems like something that ought to be in the Labor-HHS bill. The mission of the JASON Foundation, and this is from their own Website, is

to "inspire in students a lifelong passion for learning in science, math and technology through hands-on, real-world scientific discovery." That is a wonderful mission. I am glad kids are getting the opportunity, but we shouldn't be funding it in the defense bill.

Dr. Robert Ballard has already been referenced here. He is the world's foremost ocean archeologist, and is its founder. They have good leadership. This is the same Dr. Ballard who collocates his ocean exploration operations out of the Mystic Aquarium, the recipient of \$1.4 million in earmarks so far this year.

With corporate sponsorship and support from the likes of Oracle, Sun Microsystems, EDS, Shell, and Texas Instruments, the JASON Foundation has very good backing. However, this earmark raises questions that apply to too many other earmarks: Why is it in the defense bill? Should it receive any earmark funding at all? Who requested it? We don't know. I to this moment do not know who requested this earmark. I am hoping the author will come and say. Has there been a hearing on the subject? What essential Federal purpose does this serve; and doubly, what defense purpose does this earmark serve?

I think the mission of the JASON Foundation is noble, but the fact that we are funding it this way with this vehicle without real transparency is very disconcerting. This is not the Labor-HHS-Education bill. And frankly, given a lack of transparency and many problems that the current earmarking process presents, I don't think that it belongs in that bill either when we have a situation where I still to this moment have no idea who authored this earmark or what else it is supposed to do. All I know is what I have read, and yet we are being asked to approve a million dollars for it.

This is the only oversight this earmark will likely ever get. There is virtually no oversight after this. The agencies don't know about these earmarks. Most of the time they can't tell us what the earmark is for. And if we don't ask these questions here on the House floor, they simply don't get asked. I am anxious to hear answers to the questions that have been asked: Why is it in the defense bill? Who requested it? Has there been a hearing on the subject? Is there a Federal purpose? And is there a purpose for it in the defense bill? I can't ask that question too many times: Why are we funding this in the defense bill?

Mr. LEWIS of California. Mr. Chairman, I rise to oppose the amendment and to try to answer the gentleman's very appropriate questions.

I will speak to both of the amendments that he might have in mind, the Tech Center in Apple Valley, California, and the JASON Foundation program, for it speaks very much to why this kind of funding should flow through the Defense Department. If

there is a need that this country has today as it relates to our future security and national defense, it is to one way or another here at the Federal level, where we can impact education, it is to begin to turn around the involvement of young people as well as excellent teachers in the fields of math and science.

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

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

□ 1800

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

And Goldin's eyes got big as he examined some of the ideas coming from this high-tech center as to how to turn kids on. Over time he saw that this was perhaps the first chapter of the book that must be written that will change the way we teach math and science in the country. Dan Goldin eventually, with this young guy, became convinced that he ought to gift him the first antenna that brought men back from the Moon. And as a result of that gift, that school and its teaching model is currently across the country teaching kids to use the Internet by way of using this antenna. Now, tens of thousands of youngsters in school districts all over the country and in four foreign countries are participating in this effort to turn around the way math and science is taught, the way teachers are turned on, and the way kids are turned on to the fields of math and science.

If we are going to lead the world in the future and have the security for the world for peace we need, we must get back in the business of math and science, and this chapter will be a piece of the book that will be written.

Mr. Chairman, I want to thank the gentleman for the chance to tell my colleagues

about the benefits to students from military families from access to the JASON science education program.

Since 1993, this non-profit subsidiary of the National Geographic Society has provided advanced science and mathematics training to DoD teachers and students. Because of the funding provided in past Defense Appropriations bills, many DoD teachers have had the opportunity to attend extended hands-on science training sessions with experts from NASA, NOAA and many major universities.

As my colleagues are well aware, we are facing a science education crisis in the United States. Within the next five years, some 70 percent of current advanced math and science teachers will be able to retire. More and more of the science and math students in our top universities are immigrants, with fewer and fewer students from our nation's public schools each year.

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

Schools that serve our nation's military families are increasing ranked among the best, and one of the chief reasons for that is their affiliation with enrichment programs like the JASON project. Our responsibility lies not only with providing weapons and training to those who would defend our nation. We must also make we give the very best opportunities and benefits to their families, who are also making a sacrifice in defense of America.

Mr. Chairman, this is a modest amount of money to invest in bringing better science and mathematics education to our military families. Our nation needs that training, and these families deserve it.

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

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

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

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. SCHIFF of California.

Amendment No. 1 by Mr. KING of Iowa.

Amendment by Mr. CHOCOLA of Indiana.

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

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

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

AMENDMENT OFFERED BY MR. SCHIFF

The CHAIRMAN. The pending business is the demand for a recorded vote

on the amendment offered by the gentleman from California (Mr. SCHIFF) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

[Roll No. 295]

AYES—207

Abercrombie	Green, Gene	Oberstar
Ackerman	Grijalva	Obey
Allen	Gutierrez	Oliver
Andrews	Hastings (FL)	Ortiz
Baca	Herseeth	Otter
Baird	Higgins	Owens
Baldwin	Hinchey	Pallone
Bartlett (MD)	Hinojosa	Pascrell
Bass	Holden	Pastor
Bean	Holt	Paul
Becerra	Honda	Payne
Berkley	Hooley	Pelosi
Berman	Hostettler	Peterson (MN)
Berry	Hoyer	Pomeroy
Bishop (GA)	Inslee	Price (NC)
Bishop (NY)	Israel	Rahall
Blumenauer	Istook	Rangel
Boren	Jackson (IL)	Reyes
Boucher	Jackson-Lee	Ross
Boyd	(TX)	Rothman
Brady (PA)	Jefferson	Roybal-Allard
Brown (OH)	Johnson (IL)	Rush
Brown, Corrine	Johnson, E. B.	Ryan (OH)
Butterfield	Jones (NC)	Sabo
Capps	Jones (OH)	Salazar
Capuano	Kanjorski	Sanchez, Linda
Cardin	Kaptur	T.
Cardoza	Kennedy (RI)	Sanchez, Loretta
Carnahan	Kildee	Sanders
Carson	Kilpatrick (MI)	Schakowsky
Case	Kind	Schiff
Chandler	Kucinich	Schwartz (PA)
Clay	Langevin	Scott (GA)
Cleaver	Lantos	Scott (VA)
Conyers	Larsen (WA)	Serrano
Cooper	Larson (CT)	Shays
Costa	LaTourette	Sherman
Costello	Leach	Simmons
Crowley	Lee	Slaughter
Cuellar	Levin	Smith (WA)
Cummings	Lewis (GA)	Solis
Davis (AL)	Lipinski	Stark
Davis (CA)	Lofgren, Zoe	Strickland
Davis (IL)	Lowe	Stupak
Davis, Tom	Lynch	Tanner
DeFazio	Mack	Tauscher
DeGette	Maloney	Taylor (MS)
Delahunt	Markey	Thompson (CA)
DeLauro	Marshall	Thompson (MS)
Dicks	Matsui	Tierney
Dingell	McCarthy	Towns
Doggett	McCollum (MN)	Udall (CO)
Doyle	McDermott	Udall (NM)
Duncan	McGovern	Upton
Emanuel	McIntyre	Van Hollen
Engel	McKinney	Velázquez
Eshoo	McNulty	Visclosky
Etheridge	Meehan	Wamp
Farr	Meek (FL)	Wasserman
Fattah	Meeks (NY)	Schultz
Feeney	Michaud	Waters
Filner	Millender	Watson
Flake	McDonald	Watt
Ford	Miller (NC)	Waxman
Frank (MA)	Miller, George	Weiner
Garrett (NJ)	Moore (KS)	Wexler
Gilchrest	Moore (WI)	Woolsey
Gillmor	Moran (KS)	Wu
Gonzalez	Moran (VA)	Wynn
Gordon	Nadler	
Green, Al	Neal (MA)	

NOES—219

Aderholt	Alexander	Baker
Akin	Bachus	Barrett (SC)

Barrow Goodlatte
Barton (TX) Granger
Beauprez Graves
Biggert Green (WI)
Bilbray Gutknecht
Bilirakis Hall
Bishop (UT) Harman
Blackburn Harris
Blunt Hart
Boehlert Hastings (WA)
Boehner Hayes
Bonilla Hayworth
Bonner Hefley
Bono Hensarling
Boozman Herger
Boswell Hobson
Boustany Hoekstra
Bradley (NH) Hulshof
Brady (TX) Hyde
Brown (SC) Inglis (SC)
Brown-Waite, Issa
Ginny Jenkins
Burgess Jindal
Burton (IN) Johnson (CT)
Buyer Johnson, Sam
Calvert Keller
Camp (MI) Kelly
Campbell (CA) Kennedy (MN)
Cantor King (IA)
Capito King (NY)
Carter Kingston
Castle Kirk
Chabot Kline
Chocola Knollenberg
Clyburn Kolbe
Coble Kuhl (NY)
Cole (OK) LaHood
Conaway Latham
Cramer Lewis (CA)
Crenshaw Lewis (KY)
Cubin Linder
Culberson LoBiondo
Davis (KY) Lucas
Davis (TN) Lungren, Daniel
Davis, Jo Ann E.
Deal (GA) Manzullo
Dent Marchant
Diaz-Balart, L. Matheson
Diaz-Balart, M. McCaul (TX)
Doolittle McCotter
Drake McCrery
Dreier McHenry
Edwards McHugh
Ehlers McKeon
Emerson McMorris
English (PA) Melancon
Everett Mica
Ferguson Miller (FL)
Fitzpatrick (PA) Miller (MI)
Foley Miller, Gary
Forbes Mollohan
Fortenberry Murphy
Fossella Murtha
Foxy Musgrave
Franks (AZ) Myrick
Frelinghuysen Neugebauer
Gallegly Ney
Gerlach Northup
Gibbons Norwood
Gingrey Nunes
Gohmert Osborne
Goode Oxley

NOT VOTING—6

Cannon Evans
Davis (FL) Hunter Napolitano
Nussle

□ 1827

Messrs. SULLIVAN, MCCAUL of Texas, BONILLA, HOBSON, NEY, SOUDER, GOHMERT, and EHLERS changed their vote from “aye” to “no.”

Messrs. GORDON, BISHOP of Georgia, Ms. KAPTUR, Messrs. BERRY, COOPER, WAMP, ROSS, REYES, SALAZAR, and SHAYS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. KING OF IOWA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gen-

tleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

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

[Roll No. 296]

AYES—50

Barrett (SC) Gohmert Neugebauer
Barrow Green (WI) Norwood
Beauprez Hyde Pearce
Bishop (UT) Johnson, Sam Pitts
Blackburn Kennedy (MN) Poe
Boren King (IA) Price (GA)
Brady (TX) Kline Ryan (WI)
Burgess Lewis (KY) Schwarz (MI)
Cole (OK) Linder Sessions
Davis (KY) Lucas Shadegg
Deal (GA) Lungren, Daniel Shuster
Drake E. Smith (TX)
Feeney Marshall Souder
Fortenberry McHenry Thornberry
Foxy Miller (FL) Tiahrt
Franks (AZ) Miller (MI) Westmoreland
Gingrey Myrick Wilson (SC)

NOES—376

Abercrombie Cardoza Fattah
Ackerman Carnahan Ferguson
Aderholt Carson Filner
Akin Carter Fitzpatrick (PA)
Alexander Case Flake
Allen Castle Foley
Andrews Chabot Forbes
Baca Chandler Ford
Bachus Chocola Fossella
Baird Clay Frank (MA)
Baker Cleaver Frelinghuysen
Baldwin Clyburn Gallegly
Bartlett (MD) Coble Garrett (NJ)
Barton (TX) Conaway Gerlach
Bass Conyers Gillmor
Bean Cooper Gilchrist
Becerra Costa Goode
Berkley Costello Gonzalez
Berman Cramer Goode
Berry Crenshaw Goodlatte
Biggert Crowley Gordon
Bilbray Cubin Granger
Bilirakis Cuellar Graves
Bishop (GA) Culberson Green, Al
Bishop (NY) Cummings Green, Gene
Blumenauer Davis (AL) Grijalva
Blunt Davis (CA) Gutierrez
Boehlert Davis (IL) Gutknecht
Boehner Davis (TN) Hall
Bonilla Davis, Jo Ann Harman
Bonner Davis, Tom Harris
Bono DeFazio Hart
Boozman DeGette Hastings (FL)
Boswell Delahunt Hastings (WA)
Boucher DeLauro Hayes
Boustany Dent Hayworth
Boyd Diaz-Balart, L. Hefley
Bradley (NH) Diaz-Balart, M. Hensarling
Brady (PA) Dicks Herger
Brown (OH) Dingell Herseth
Brown (SC) Doggett Higgins
Brown, Corrine Doolittle Hinchey
Brown-Waite, Doyle Hinojosa
Dreier Hobson
Burton (IN) Duncan Hoekstra
Butterfield Edwards Holden
Buyer Ehlers Holt
Calvert Emanuel Honda
Camp (MI) Emerson Hooley
Campbell (CA) Engel Hostettler
Cantor English (PA) Hoyer
Capito Eshoo Hulshof
Capps Etheridge Inglis (SC)
Capuano Everett Inslee
Cardin Farr Israel

Issa Millender-
Istook McDonald
Jackson (IL) Miller (NC)
Jackson-Lee Miller, Gary
(TX) Miller, George
Jefferson Mollohan
Jenkins Moore (KS)
Jindal Moore (WI)
Johnson (CT) Moran (KS)
Johnson (IL) Moran (VA)
Johnson, E. B. Murphy
Jones (NC) Murtha
Jones (OH) Musgrave
Kanjorski Nadler
Kaptur Neal (MA)
Keller Ney
Kelly Northup
Kennedy (RI) Nunes
Kildee Oberstar
Kilpatrick (MI) Obey
Kind Oliver
King (NY) Ortiz
Kingston Osborne
Kirk Otter
Knollenberg Owens
Kolbe Oxley
Kucinich Pallone
Kuhl (NY) Pascrell
LaHood Pastor
Langevin Paul
Lantos Payne
Larsen (WA) Pelosi
Larson (CT) Pence
Latham Peterson (MN)
LaTourette Peterson (PA)
Leach Petri
Lee Pickering
Levin Platts
Lewis (CA) Pombo
Lewis (GA) Pomeroy
Lipinski Porter
LoBiondo Price (NC)
Lofgren, Zoe Pryce (OH)
Lowey Putnam
Lynch Radanovich
Mack Rahall
Maloney Ramstad
Manzullo Rangel
Marchant Regula
Markey Rehberg
Matheson Reichert
Matsui Renzi
McCarthy Reyes
McCaul (TX) Reynolds
McCollum (MN) Rogers (AL)
McCotter Rogers (KY)
McCrery Rogers (MI)
McDermott Rohrabacher
McGovern Ros-Lehtinen
McHugh Ross
McIntyre Rothman
McKeon Roybal-Allard
McKinney Royce
McMorris Ruppersberger
McNulty Rush
Meehan Ryan (OH)
Meek (FL) Ryun (KS)
Meeks (NY) Sabo
Melancon Salazar
Mica Sanchez, Linda
Michaud T. Wynn
Sanchez, Loretta Young (AK)
Young (FL)

NOT VOTING—6

Cannon Evans
Davis (FL) Hunter Napolitano
Nussle

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1832

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CHOCOLA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 141, noes 285, not voting 6, as follows:

[Roll No. 297]

AYES—141

Baird	Gillmor	Miller, George
Barrett (SC)	Gingrey	Moran (KS)
Barrow	Gohmert	Murphy
Barton (TX)	Goodlatte	Musgrave
Bean	Graves	Myrick
Beauprez	Green (WI)	Neugebauer
Berkley	Gutknecht	Ney
Berry	Harris	Norwood
Biggart	Hart	Otter
Billbray	Hayworth	Paul
Blackburn	Hefley	Pearce
Blumenauer	Hensarling	Pence
Boehner	Hoekstra	Petri
Boren	Hooley	Pitts
Boswell	Hostettler	Platts
Boyd	Hulshof	Poe
Brown-Waite,	Inglis (SC)	Price (GA)
Ginny	Insee	Ramstad
Camp (MI)	Istook	Rogers (MI)
Campbell (CA)	Jenkins	Rohrabacher
Castle	Jindal	Ross
Chabot	Johnson (IL)	Royce
Chandler	Johnson, Sam	Ryan (WI)
Chocola	Jones (NC)	Ryun (KS)
Clay	Kanjorski	Schakowsky
Cleaver	Kelly	Schmidt
Coble	Kennedy (MN)	Sensenbrenner
Cole (OK)	King (IA)	Sessions
Conaway	Kucinich	Shadegg
Cooper	Larsen (WA)	Shimkus
Cuellar	Leach	Shuster
Davis (KY)	Linder	Smith (TX)
Davis (TN)	Lipinski	Smith (WA)
Deal (GA)	Lofgren, Zoe	Snyder
Dent	Lungren, Daniel	Souder
Duncan	E.	Stearns
Ehlers	Mack	Strickland
English (PA)	Matheson	Sullivan
Eshoo	Matsui	Tancredo
Feeney	McCaul (TX)	Thompson (CA)
Ferguson	McCollum (MN)	Tiberi
Flake	McCotter	Upton
Fortenberry	McCrery	Walden (OR)
Fossella	McHenry	Waxman
Fox	McKinney	Weiner
Franks (AZ)	Miller (FL)	Weller
Garrett (NJ)	Miller (MI)	Westmoreland
Gerlach	Miller, Gary	

NOES—285

Abercrombie	Brady (TX)	Davis (AL)
Ackerman	Brown (OH)	Davis (CA)
Aderholt	Brown (SC)	Davis (IL)
Akin	Brown, Corrine	Davis, Jo Ann
Alexander	Burgess	Davis, Tom
Allen	Burton (IN)	DeFazio
Andrews	Butterfield	DeGette
Baca	Buyer	Delahunt
Bachus	Calvert	DeLauro
Baker	Cantor	Diaz-Balart, L.
Baldwin	Capito	Diaz-Balart, M.
Bartlett (MD)	Capps	Dicks
Bass	Capuano	Dingell
Becerra	Cardin	Doggett
Berman	Cardoza	Doolittle
Bilirakis	Carnahan	Doyle
Bishop (GA)	Carson	Drake
Bishop (NY)	Carter	Dreier
Bishop (UT)	Case	Edwards
Blunt	Clyburn	Emanuel
Boehlert	Conyers	Emerson
Bonilla	Costa	Engel
Bonner	Costello	Etheridge
Bono	Cramer	Everett
Boozman	Crenshaw	Farr
Boucher	Crowley	Fattah
Boustany	Cubin	Filner
Bradley (NH)	Culberson	Fitzpatrick (PA)
Brady (PA)	Cummings	Foley

Forbes	Maloney	Ryan (OH)
Ford	Manzullo	Sabo
Frank (MA)	Marchant	Salazar
Frelinghuysen	Markey	Sanchez, Linda
Gallely	Marshall	T.
Gibbons	McCarthy	Sanchez, Loretta
Gilchrest	McDermott	Sanders
Gonzalez	McGovern	Saxton
Goode	McHugh	Schiff
Gordon	McIntyre	Schwartz (PA)
Granger	McKeon	Schwarz (MI)
Green, Al	McMorris	Scott (GA)
Green, Gene	McNulty	Scott (VA)
Grijalva	Meehan	Serrano
Gutierrez	Meek (FL)	Shaw
Hall	Meeks (NY)	Shays
Harman	Melancon	Sherman
Hastings (FL)	Mica	Sherwood
Hastings (WA)	Michaud	Simmons
Hayes	Millender-	Simpson
Heger	McDonald	Skelton
Herseeth	Miller (NC)	Slaughter
Higgins	Mollohan	Smith (NJ)
Hinchee	Moore (KS)	Sodrel
Hinojosa	Moore (WI)	Solis
Hobson	Moran (VA)	Spratt
Holden	Murtha	Stark
Holt	Nadler	Stupak
Honda	Neal (MA)	Sweeney
Hoyer	Northup	Tanner
Hyde	Nunes	Tauscher
Israel	Oberstar	Taylor (MS)
Issa	Obey	Taylor (NC)
Jackson (IL)	Oliver	Terry
Jackson-Lee	Ortiz	Thomas
(TX)	Osborne	Thompson (MS)
Jefferson	Owens	Thornberry
Johnson (CT)	Oxley	Tiahrt
Johnson, E. B.	Pallone	Tierney
Jones (OH)	Pascarell	Pastor
Kaptur	Pastor	Payne
Keller	Payne	Pelosi
Kennedy (RI)	Pelosi	Peterson (MN)
Kildee	Peterson (MN)	Peterson (PA)
Kilpatrick (MI)	Pickering	Pombo
Kind	Pomerooy	Porter
King (NY)	Porter	Price (NC)
Kingston	Price (NC)	Pryce (OH)
Kirk	Putnam	Radanovich
Kline	Kuhl (NY)	Rahall
Knollenberg	LaHood	Rangel
Kolbe	Langevin	Regula
Kuhl (NY)	Lantos	Rehberg
LaHood	Larson (CT)	Reichert
Langevin	Latham	Renzi
Lantos	LaTourette	Reyes
Larson (CT)	Lee	Reynolds
Latham	Levin	Rogers (AL)
LaTourette	Lewis (CA)	Rogers (KY)
Lee	Lewis (GA)	Ros-Lehtinen
Levin	Lewis (KY)	Rothman
Lewis (CA)	LoBiondo	Roybal-Allard
Lewis (GA)	Lowe	Ruppersberger
Lewis (KY)	Lucas	Rush
LoBiondo	Lynch	
Lowe		
Lucas		
Lynch		

NOT VOTING—6

Cannon	Evans	Napolitano
Davis (FL)	Hunter	Nussle

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 1837

Mr. SPRATT, Mrs. MALONEY and Mr. AL GREEN of Texas changed their vote from “aye” to “no.”

Mr. GOODLATTE changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding the Mystic Aquarium on which further proceedings were postponed and

on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 77, noes 347, answered “present” 1, not voting 7, as follows:

[Roll No. 298]

AYES—77

Andrews	Gutknecht	Otter
Barrett (SC)	Harris	Paul
Bass	Hayworth	Pence
Bean	Hefley	Petri
Beauprez	Hensarling	Pitts
Billbray	Holt	Platts
Bilirakis	Inglis (SC)	Poe
Blackburn	Israel	Price (GA)
Bradley (NH)	Istook	Ramstad
Brown-Waite,	Jindal	Rohrabacher
Ginny	Johnson (IL)	Ryan (WI)
Chabot	Johnson, Sam	Sensenbrenner
Chocola	Jones (NC)	Sessions
Cooper	Keller	Shadegg
Davis (KY)	Kennedy (MN)	Slaughter
Davis (TN)	King (IA)	Souder
Deal (GA)	Linder	Stearns
DeFazio	Lungren, Daniel	Tancredo
Duncan	E.	Taylor (MS)
Feeney	Marshall	Terry
Flake	Matheson	Thornberry
Ford	Miller (FL)	Udall (CO)
Fossella	Moore (KS)	Udall (NM)
Franks (AZ)	Musgrave	Waxman
Garrett (NJ)	Myrick	Westmoreland
Gibbons	Neugebauer	
Green (WI)	Norwood	

NOES—347

Abercrombie	Campbell (CA)	Dreier
Ackerman	Cantor	Edwards
Aderholt	Capito	Ehlers
Akin	Capps	Emanuel
Alexander	Capuano	Emerson
Allen	Cardin	Engel
Baca	Cardoza	English (PA)
Bachus	Carnahan	Eshoo
Baird	Carson	Etheridge
Baker	Carter	Everett
Baldwin	Case	Farr
Barrow	Castle	Fattah
Bartlett (MD)	Chandler	Ferguson
Barton (TX)	Clay	Filner
Becerra	Cleaver	Fitzpatrick (PA)
Berkley	Clyburn	Foley
Berman	Coble	Forbes
Berry	Cole (OK)	Fortenberry
Biggart	Conaway	Fox
Bishop (GA)	Conyers	Frank (MA)
Bishop (NY)	Costa	Frelinghuysen
Bishop (UT)	Costello	Gallely
Blumenauer	Cramer	Gerlach
Blunt	Crenshaw	Gilchrest
Boehlert	Crowley	Gillmor
Boehner	Cubin	Gingrey
Bonilla	Cuellar	Gonzalez
Bonner	Culberson	Goode
Bono	Cummings	Goodlatte
Boozman	Davis (AL)	Gordon
Boren	Davis (CA)	Granger
Boswell	Davis (IL)	Graves
Boucher	Davis, Jo Ann	Green, Al
Boustany	Davis, Tom	Green, Gene
Boyd	DeGette	Grijalva
Brady (PA)	Delahunt	Gutierrez
Brady (TX)	DeLauro	Hall
Brown (OH)	Dent	Harman
Brown (SC)	Diaz-Balart, L.	Hastings (FL)
Brown, Corrine	Diaz-Balart, M.	Hastings (WA)
Burgess	Dicks	Hayes
Burton (IN)	Dingell	Heger
Butterfield	Doggett	Herseeth
Buyer	Doolittle	Higgins
Calvert	Doyle	Hinchee
Camp (MI)	Drake	Hinojosa

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

AMENDMENT OFFERED BY MR. STEARNS

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

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to interpret voluntary religious discussions as “official” as specified in the revised interim guidelines concerning free exercise of religion in the Air Force.

Mr. STEARNS. Mr. Chairman, I have this amendment, and it took quite a bit of expertise on myself and staff to get this so it would be germane, and I sort of feel that that is one of my accomplishments. I intend to offer this, but then I am going to ask unanimous consent to withdraw it out of great deference to the chairman.

The second is to bring it on the House floor and to discuss it so we can put it in the RECORD so that the Armed Forces, particularly the Air Force, when they talk about the revised interim guidelines concerning free exercise of religion in the Air Force, have an understanding what we in the House believe is appropriate.

The amendment is basically saying that none of the funds made available in this act may be used to interpret voluntary religious discussion as official, because within this interim guidelines concerning free exercise of religion the word “official” is in the paragraph where we are talking about voluntary worship. Let me read this portion to you:

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

Now, that we all agree upon. And then they go on to talk about this voluntary discussion of religion. But then there is a sentence in this that goes on to say: “Voluntary discussions of religion or the exercise of free speech where it is reasonably clear that the discussions are personal and not official.”

So even within the paragraph talking about voluntary, talking about voluntary discussion of people coming together, there is still an interpretation by the Air Force that it is reasonably clear it is not official. Well, obviously if these people come together voluntarily to talk about their faith, to pray, to study, and have this discussion, it is voluntary and should the word “official” not even be in this paragraph. But it still gives the Air Force the ability to go in and say, well, you know, we can reasonably say that it is not clear that the discussion that you men and women have had while you are worshipping, you are praying, you are studying is an integral part of this free speech. It appears that there might be some official overtone. So it is official overtone. Then at that point they can step in and say, okay, you cannot have this discussion.

So my amendment is basically saying that, no, the Air Force could not step in anytime there is voluntary participation in worship, prayer, study, and discussion. And it is simple on that respect.

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

So I wanted to go on record to say I as one Member don't agree, and I hope perhaps there are other Members who would take this amendment to heart. And so if we find that the Air Force somehow intimidates these people during voluntary participation in prayer, worship, and study, that they would remember my amendment.

With that, Mr. Chairman, I am going to ask unanimous consent to withdraw out of deference and understanding the lateness of the hour and also the understanding that you have just been through one donnybrook and perhaps this one might be another one, but I still feel and I might at a later date bring this forward now that I finally figured out a way to make it germane.

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

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

There was no objection.

AMENDMENT OFFERED BY MR. FILNER

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

The Clerk read as follows:

Amendment offered by Mr. FILNER:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to place a social security account number on any identification card issued to a member of the Armed Forces, a retired member of the Armed Forces, or a dependent of such a member or retired member.

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

As the senior Democratic member of the Veterans Committee, I have been particularly appalled at the loss of 26½ million records of veterans with their Social Security numbers and some medical data plus about 200,000 active duty personnel. So the issue of identity theft I think is on all our minds. And we all know that servicemembers and military retirees are at great risk for identity theft because the Department of Defense puts the Social Security

number right on their military ID cards. The DOD is thereby placing millions of servicemembers, military retirees, and their family members at risk for identity theft, and the threat is heightened for servicemembers who must carry this ID with them at all times.

We all know identity theft as being one of the fastest growing crimes of the decade, and it creates a nightmare for the victims who suffer. Identity thieves make off with billions of dollars each year, and each day more than 1,000 people are being defrauded. The Federal Trade Commission recently listed identity theft as the top consumer complaint. With just your name and your Social Security number, a thief can open credit lines worth thousands of dollars, rent apartments, sign up for utilities, earn income, and your credit rating is ruined. You risk being rejected from everything from a college loan to a mortgage, and it is all up to you as an individual to fix it all up. Law enforcement will generally not pursue these identity theft cases.

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

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

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

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

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

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

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

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

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

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds appropriated by this Act may be used to waive or modify

regulations promulgated under chapter 43, 71, 75, or 77 of title 5, United States Code.

Mr. INSLEE. Mr. Chairman, this amendment brought by myself and my colleagues, Mr. VAN HOLLEN and Mr. JONES, seeks to protect very basic job securities for Department of Defense employees by blocking funds for those parts of the National Security Personnel System that have been declared illegal. The workplace environment that would result if this amendment does not pass, that results in destroying basic worker rights; jeopardizes our ability to recruit and maintain qualified, skilled workers to protect our national security. These are hardworking men and women. They deserve our gratitude, they deserve our respect, they deserve a personnel system that respects their work and complies with principles that we hold forth.

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

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

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

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

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

□ 1900

That is why we bring this amendment, to preserve the right to be free

from discrimination based on political opinion, something that our Civil Service rules need to protect; and the right to collective bargaining, to engage in collective bargaining in good faith; the right to due process for advance notice of suspension and some meaningful appeal rights for people who work on the defense team.

So we are offering a commonsense amendment that will recognize that we should not be forcing this broken system that has been ruled illegal for people who are doing such great work for us, keeping our uniformed personnel on the post in Iraq and Afghanistan. We commend this amendment to our colleagues' attention.

Mr. JONES of North Carolina. Mr. Chairman, I move to strike the last word.

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

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

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

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

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

Mr. Chairman, by passing this amendment we will help send a message to these highly valuable men and women that we stand with them today; that we stand with those Federal civilians who maintain and repair our Navy and Marine Corps' battle-worn helicopters; that we stand with those Federal civilians who capitalize and upgrade our Army's Bradley fighting vehicles and Abrams tanks; that we stand with those Federal civilians who skillfully manage our Air Force's logistics and distribution operations; and that we stand with those Federal civilians who maintain, overhaul and upgrade our Navy's fleet of ships, submarines and aircrafts.

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

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

I am pleased to join with my colleagues Mr. INSLEE and Mr. JONES in

offering this amendment, and the issue here is really straightforward: Are we going to require the Department of Defense to comply with guidelines established by this House and this Congress, or are we going to allow them, one more time, to ignore the will of Congress and roll over us here in the House of Representatives?

Here is the situation. Back in 2004, this House passed the defense authorization provision that allowed the Defense Department to go out and set up a new personnel system, but we did it with certain guidelines. We wanted to provide the Department of Defense with greater flexibility, but we also wanted to ensure fairness to the employees.

Here is what happened. The DOD took the flexibility part, and they ignored the portions requiring fairness to employees. They ignored the provision that required, for example, an independent entity to arbitrate certain disputes between management and labor. They ignored the provisions that said you have to have a merit system protection board that has an independent judgment, instead of allowing the Defense Department to essentially overrule the decisions, at least on a preliminary basis, of an independent merit system protection board. So they made a number of changes to the congressional intent.

As my colleague Mr. INSLEE said, you do not have to take our word for it. Just listen to what a Federal judge said, and that is Judge Emmet Sullivan. He is the first person in the District of Columbia to have been appointed by three United States Presidents to three judicial positions, and he ruled in favor of the employees who brought a case and challenged the administration's decision on this. He said it was "the antithesis of fairness" the way DOD had set up its system and determined that it was outside the scope of what the Congress had mandated.

Now, they have ruled. That ruling came down in February. We have had a Federal judge, therefore, stick up for the Congress. The question is, are we going to stick up for ourselves? Did we mean what we said back there? A Federal judge has looked at the law and said, clearly, the DOD provisions are outside the scope of what we intended. Anyone who takes a fair look at what this Congress said to the administration and to the guidelines that we had in setting up the system would reach the same conclusion.

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

So I urge my colleagues to support this amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to begin by thanking Chairman YOUNG and Mr. MURTHA for their hard work and support of our troops and support of our Nation's defense, but I also join with my colleagues who have previously spoken.

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

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

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

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

For the thousands of Federal workers at Portsmouth Naval Shipyard, which is in my district, the NSPS regulations as proposed would have had a damaging impact. The shipyard's unique labor and management relationship has created tremendous efficiencies and progress and has become a model for good government. This progress and the relationship at the Portsmouth Naval Shipyard could well be lost under the NSPS program.

Under the broad and rigid centralized NSPS regime, the flexibility that has led to some of our government's best practices and most successful entities would be impossible. In fact, representatives of labor have indicated to me that many of the efficiencies that were the result of labor-management agreements would not have been possible under NSPS.

NSPS, as proposed, systematically restricts opportunities for labor representatives to communicate, negotiate and collaborate with Pentagon management. Given the exemplary record of the Portsmouth Naval Shipyard, which is in my district, which has returned submarines to the water and to fleet commanders sooner than

any other yard in the country, all while saving significant millions of dollars on submarine maintenance for taxpayers, it is difficult to imagine that none of this could have been possible under the proposed NSPS format.

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

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

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

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

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

So I would hope we could accept this amendment or at least vote this amendment. It is a little broader than I would like, but we can always adjust that if we have to at some other point.

I would advise, recommend the Members they support the amendment.

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

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

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

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

In August 2005, U.S. District Court Judge Rosemary Colyer ruled that the proposed Department of Homeland Security personnel rules "would not ensure collective bargaining, would fundamentally alter [Federal Labor Relations Authority] jurisdiction . . . and would create an appeal process at MSPB [Merit Systems Protection Board] that is not fair." This federal court ruling should have been a wakeup call to the Department of Defense to take care in pursuing changes to labor relations regulations. However, DOD chose to ig-

nore it, proceeding with plans to implement regulations that would make substantial changes concerning collective bargaining and review of appeals of adverse actions.

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

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

I urge my colleagues to support this amendment.

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

In February, U.S. District Court Judge Emmet G. Sullivan ruled that the Department of Defense, in establishing a rule to execute the National Security Personnel System, had failed to ensure the rights of the approximately 700,000 civilian employees of the Department of Defense.

Specifically, the judge determined that the rule:

Fails to ensure that employees can bargain collectively.

Does not meet Congress's requirement for "Independent Third Party Review" of labor relations decisions.

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

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

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

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Center for Rotorcraft Innovation.

Mr. FLAKE. Mr. Chairman, before addressing this amendment, let me simply speak to the problem with this process of earmarking. We have the last amendment with regard to the Jason Foundation. All we know is that it was, I believe, requested for Ashburn, Virginia.

We still do not know, after having voted for it, after 332 Members voted for it, after people came to defend other earmarks, nobody came to defend this one. We still do not know. What we do know is that the administration never requested it, that no hearings were ever held, no markup was ever held. We still do not know why it is in the defense bill.

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

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

Let us go on to this amendment. This is an amendment to strike \$4 million for the Center for Rotorcraft Innovation in Media, Pennsylvania. This amendment would prohibit funds in the bill from being used for the Center for Rotorcraft Innovation.

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

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

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

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

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

The question becomes, why are we using the defense bill as a mechanism to fund a center like this when these businesses are fully capable of marketing their own products?

□ 1915

The rotorcraft industry wants \$4 million of Federal defense dollars to subsidize their marketing efforts around the globe. They are doing pretty well. I hope they continue to do well. They are competitive because they make a good product, not because the Federal Government is subsidizing them.

Many of them compete for government contracts. That is great. We rely on them, but we shouldn't be saying, all right, we are going to pick you and we are going to lavish you with Federal dollars to help market your product.

Those of us who oppose corporate subsidies for cotton and sugar and tobacco and the airline industry, I think that we also ought to say, if we are going to oppose those subsidies, why don't we oppose subsidies for the rotorcraft industry as well?

At this time of war, we need to send money to help our troops and not subsidize private industry. Again, it is not the role of the Federal Government, and certainly not in a defense bill, to be picking winners and losers in industry, saying you are going to get a subsidy but you are not.

This argument will come up as we offer additional amendments in the next few minutes, but I would ask support for this amendment.

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in opposition to the amendment.

First of all, let me say there is a role for this Congress to play in defense, in spite of my colleague from Arizona. If it wasn't for this Congress, a decision made by the administration back in 1989, when they canceled the V-22 program, would have been left undone. This year, the Marine Corps will deploy the V-22 program.

In spite of the administration back then and Secretary CHENEY canceling the program, we did the right thing for the Marines. Today, we are building 450 of these aircraft because this Congress knew what it was doing.

I would remind my colleague that it was in 1996 that this Congress passed a defense authorization bill requiring that we arm the Hellfire missile on the Predator system. The administration didn't want it back then. They knew better than we did. Thank goodness this Congress armed the Hellfire missile on the Predator. That was our decision, not the administration's.

If this Congressman would have come to me and asked me some questions, perhaps he would have been a bit more enlightened about what this is. This is not a subsidy program. This is a program to focus research and technology on the rotorcraft industry for our military and for other purposes.

If the gentleman would have come to me, he could have attended one of our four hearings. Now he speaks a good game here. Why weren't you at the hearings when we discussed rotorcraft over the past 2 years? We had two hearings this year. Why didn't you come and sit on those hearings and under-

stand what the rotorcraft center was all about? Why didn't you talk to the American Helicopter Society, headed by Rhett Flater? More importantly, why didn't you talk to the Boeing folks? Maybe by then you would have realized that a portion of this money, and by the way none of it goes into my district, the money is funneled out to 21 other locations, including your district. The Boeing Company received a grant from this program in your district, which you weren't even aware of.

I will not yield because the gentleman has offered an amendment that he knows nothing about. I respect people of intelligence, who have integrity. You didn't have the courtesy to come and ask me about this program. You didn't have the courtesy to come and ask about the briefing, about the four hearings, about the memorandum of understanding signed in 2004 by every major rotorcraft manufacturer in this Nation, including Sikorsky, Bell Textron, including Kaman Industries, including Boeing, including Georgia Tech, Penn State, and Maryland, all the major rotorcraft centers in this Nation.

You didn't have the courtesy to come and ask. You took a cheap shot. And you know what? Your cheap shot is just that. The amount of impact on my district is one job, one job at Penn State University. The money you just talked about flows into 21 other States, into universities and corporations doing research on rotorcraft technology.

Now, why is that important? Because the primary responsibility for rotorcraft research was NASA, but NASA has seen fit to move away from that. And as a member of the Science Committee, we have worked repeatedly to try to get NASA to take the responsibility mandated by the law. NASA used to fund \$30 million a year in rotorcraft research. In the past 5 years, they have spent zero. So we took the initiative that the Army established.

And when the gentleman says on this floor, again ignorantly, that the military and the Pentagon don't support this, I would have said to him, why don't you go talk to the Army, because the Army has supported the Center For Rotorcraft Innovation repeatedly. The U.S. Army. Not the Russian Army, the U.S. Army. If you would have taken the time to go to the Army, you would have found those facts out.

You know, Mr. Chairman, I hate to be emotional in this debate; but dog-gone it, I am not going to let somebody stand up here in total and complete ignorance and spout off a bunch of gobbledegook about subsidizing the rotorcraft industry. That is not what this is about.

If you want to give the money back from your district, you go to Boeing and tell them to turn back the money they got from this research initiative. But don't stand up on the floor and make stupid allegations because you want a headline about cutting waste. This is not waste.

Mr. Chairman, I submit for the RECORD the memorandum of understanding, the list of all 21 centers that have received funding from this program, and the Center For Rotorcraft Innovation's outline.

MEMORANDUM OF AGREEMENT

This MOA is between the Boeing Company, a Delaware corporation having offices at Ridley Park, Pennsylvania, Sikorsky Aircraft Corporation, a United Technologies Company, having offices at Stratford, Connecticut, Bell Helicopter Textron Inc., a Delaware corporation that is a wholly owned subsidiary of Textron having offices at Hurst Texas, the Kaman Aerospace Corporation, having offices in Bloomfield, CT, the Rotorcraft Industry Technology Association (RITA) Inc., a Delaware corporation, Keystone Helicopter Corporation, having offices in West Chester, PA, The Pennsylvania State University, located at State College, PA, The University of Maryland, located in College Park, MD, the Georgia Tech Research Corporation, located in Atlanta, GA, the Piasecki Aircraft Corporation having offices in Essington, PA, Augusta Aerospace Corporation having offices in Philadelphia, PA and the American Competitiveness Institute, having offices in Philadelphia, PA, hereinafter which may be referred to individually as "party" or collectively as "parties".

I. PURPOSE

Sec. 1: The parties to this agreement agree to provide oversight for the Center for Rotorcraft Innovation (the "Center"), which will be established by the American Competitiveness Institute (ACI), a Pennsylvania corporation with its principal place of business in Philadelphia, PA.

Sec. 2: The Center's mission will be to administer and conduct rotorcraft pre-competitive research and development with the participation of rotorcraft manufacturers, their suppliers, operators, support providers, academic researchers, government laboratories, industry associations and other non-profit organizations. Research projects will be conducted both at the Center and the participants' facilities, including subcontractors as appropriate.

Sec. 3: ACI will administer, at no cost to the parties, the acquisition and expenditures of federal, state, local and private funding for the creation of the Center by:

(i) establishing and implementing a business plan to acquire the necessary funding for the creation and sustenance of the Center; and,

(ii) establishing and implementing a plan for the Center's design, operations and final incorporation into a rotorcraft organization governed by industry and academia.

Sec. 4: ACI shall provide oversight consistent with the mission stated above. Such oversight shall include participation and guidance associated with formation of the Center, and such other Administrative support as mutually agreed to by the Parties. Technical oversight, including Program selection and monitoring of projects performed by the Center shall be provided by the other Parties to this Agreement.

Sec. 5: A Center Director will be appointed by ACI to oversee the daily operations of the Center.

II. BACKGROUND

There have been several initiatives to facilitate joint government, industry and academic collaboration to address technical challenges facing the rotorcraft industry. Despite this, tight government budget constraints and a shift in emphasis to other programs, the rotorcraft program has suffered and funding has failed to materialize. Ad-

vanced rotorcraft systems for military applications and the emerging needs for homeland security clearly demonstrate a need for advancement through an investment in research and development. The unique capabilities of rotorcraft are indispensable in both national security and emergency response situations. The highly competitive commercial rotorcraft industry and its worldwide proliferation make it an ideal candidate for technical cooperation and collaboration. The intent of the Center is to centralize and refocus the attention, technology and expertise of industry and academia to achieve adequate and sustainable funding through government and commercial sources. The goal is to be a recognized Center of Excellence in rotorcraft technology to support and coordinate research and development, education, training and outreach to expand and strengthen the U.S. rotorcraft community.

III. TECHNICAL ADVISORY BOARD

Sec. 1: The organizations that are parties to this agreement shall provide technical oversight to the Center through a Technical Advisory Board.

Sec. 2: The Technical Advisory Board shall be comprised of a representative from each of the initial organizations who sign this agreement. Notwithstanding the foregoing, the Georgia Tech Research Corporation is a cooperative organization of the Georgia Institute of Technology ("GIT") and may identify a GIT employee as a representative to the Technical Advisory Board.

Sec. 3: The Technical Advisory Board shall utilize its collective expertise in various aspects of the Rotorcraft Industry to establish and maintain a technical roadmap to guide Center activities consistent with its mission. It is recognized that inputs from industry, academia, and government sources are essential to creating and maintaining a dynamic and relevant Center agenda.

Sec. 4: Additional representatives may be added to the Technical Advisory Board subsequent to the execution of this agreement by majority consent of the initial parties to this agreement.

IV. MEETINGS

Sec. 1: The Technical Advisory Board will meet a minimum of four (4) times a year at a time and location determined by the Center Director.

Sec. 1a: The Center Director shall preside over Technical Advisory Board meetings, and with the advice and consent of the Technical Advisory Board, shall set the time, place, and agenda.

Sec. 1b: Each Technical Advisory Board member may designate, by notifying the Center Director in writing, a qualified alternate to attend and participate in Board meetings in his/her absence.

V. FISCAL CONSIDERATIONS

Sec. 1: No membership fees or dues are required to be paid.

Sec. 2: The salaries and expenses of representatives of the Technical Advisory Board shall be the responsibility of their respective organizations.

Sec. 3: Any contractual relationship entered into between Technical Advisory Board members shall be solely the responsibility of those members, and the Center shall expressly have no performance or fiscal obligation.

Sec. 4: In no event shall the parties be liable to each other or any third party in privity with any party for any special, indirect, exemplary, incidental, or consequential damages arising out of or in connection with this agreement.

VI. RELATIONSHIP OF THE PARTIES

Nothing contained in this Agreement shall be deemed to constitute, create, give effect

to, or otherwise recognize a joint venture, partnership, or formal entity of any kind between the parties. No party shall have the authority to bind any other party or the Center except to the extent authorized in this Agreement. Each party shall bear sole responsibility for its own actions in furtherance of the Center.

The parties agree to execute appropriate confidentiality agreements prior to disclosing any proprietary information. No intellectual property right or license, either express or implied is granted to any other party as a result of this Agreement.

VII. TERM OF THE AGREEMENT

An organization may terminate its participation in this agreement at any time by notifying ACI in writing.

This Agreement shall terminate upon the intended transfer of the administration of the Center for Rotorcraft Innovation from ACI to the Rotorcraft Industry Technology Association (RITA) or another suitable third party, and/or the execution of subsequent Agreements by the parties relative to the formation of the Rotorcraft Center.

VIII. ASSIGNMENT

No party may assign or transfer this agreement, its interest, or obligations hereunder without the written consent of the parties to this agreement.

The Boeing Company Integrated Defense Systems; Bell Helicopter Textron Inc.; The Kaman Aerospace Corporation; The Pennsylvania State University; Georgia Tech Research Corporation; Keystone Helicopter Corporation; Sikorsky Aircraft Corporation; American Competitiveness Institute; Rotorcraft Industry Technology Association; University of Maryland; Piasecki Aircraft Corporation; Augusta Aerospace Corporation.

Bell Helicopter Textron: Fort Worth, TX—Lloyd Doggett, 26th district; Kay Granger, 12th district.

The Boeing Company: Philadelphia, PA—Robert A. Brady, 1st district, Robert A. Brady, 1st district, Chaka Fattah, 2nd district, Allyson Y. Schwartz, 13th district.

The Boeing Company: Mesa, AZ—Jeff Flake, 6th district.

Sikorsky-UTC: Stratford, CT—Christopher Shays, 4th district.

Kaman Aerospace: Bloomfield, CT—John B. Larson, 1st district.

BF Goodrich: Vergennes, VT—Bernard Sanders, 1st district.

Armour Holdings: Phoenix, AZ—Ed Pastor, 4th district, John B. Shadegg, 3rd district.

Smiths Industries: Grand Rapids, MI—Vernon Ehlers, 3rd district.

Endevco: San Juan Capistrano, CA—Ken Calvert, 44th district.

Lord Corporation: Erie, PA—Philip S. English, 3rd district.

Georgia Tech: Atlanta, GA—John Lewis, 5th district, Cynthia McKinney, 4th district.

Penn State University: State College, PA—John E. Peterson, 5th district.

University of Illinois—Chicago: Chicago, IL—Bobby Rush, 1st district, Jesse Jackson, Jr., 2nd district, Dan Lipinski, 3rd district, Luis V. Gutierrez, 4th district, Rahm Emanuel, 5th district, Danny K. Davis, 7th district, Janice D. Schakowsky, 9th district.

University of Maryland: College Park, MD—Steny H. Hoyer, 5th district.

University of Texas—Arlington: Arlington, TX—Joe Barton, 6th district.

UCLA: Los Angeles, CA—Henry A. Waxman, 30th district, Xavier Becerra, 31st district, Hilda L. Solis, 32nd district, Diane Watson, 33rd district, Lucille Roybal-Allard, 34th district, Maxine Waters, 35th district.

Arizona State University: Tempe, AZ—J.D. Hayworth, 5th district.

West Virginia University: Morgantown WV—Alan B. Mollohan, 1st district.

Ohio Aerospace Institute: Cleveland, OH—Stephanie Tubbs Jones, 11th district.

Mississippi State University: Starkville, MS—Charles “Chip” Pickering, Jr., 3rd district.

Syracuse University: Syracuse, NY—James T. Walsh, 25th district.

Ohio State University: Columbus, OH—Deborah Pryce, 15th district, Patrick J. Tiberi, 12th district.

KSR, LLC: Newport Beach, CA—John Campbell, 48th district.

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

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

Mr. ABERCROMBIE. Mr. Chairman, I rise in opposition to the amendment, and I rise speaking as the ranking member on Mr. WELDON's committee.

Mr. WELDON, as my good friend from Arizona now knows, has a deep and abiding interest in this activity. And he is my good friend, that is to say Mr. WELDON, as well as you, Mr. FLAKE.

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

Mr. ABERCROMBIE. I certainly will yield to the gentleman from Arizona.

Mr. FLAKE. I simply want to respond to the allegation that I did not know that some of the beneficiaries were in my district. I stated that in my statement. I know they are. I live less than 2 miles from them. I spoke with the Boeing representative this morning, and I knew full well that it would impact them.

Mr. ABERCROMBIE. I accept you at your word, and reclaiming my time, I hope that this is instructive in the end for us.

One of the reasons I like working with Mr. WELDON is I think we bring a certain amount of passion to our work. And as with many other things in our lives, sometimes your virtues are also your vices, so I understand that very, very well.

My request is that you think perhaps about withdrawing this amendment. It is not to argue with you about your premises. Believe me, Mr. FLAKE, I don't do that. I understand exactly what you are saying, and I understand your concerns with regard to whether or not there are full and complete understandings of what we are doing and why we are doing it under the general aegis of earmarks. My point is that this particular designation has had thorough, and I assure you non-partisan, thorough, complete briefings and hearings. That is the way our subcommittee works on Armed Services. I assure you of that.

Again, as I say, everybody's virtue is also their vice; but let me tell you, if it is a vice to go into exquisite detail as to what you are dealing with, then Mr. WELDON, and I guess by extension myself, is guilty of that.

I can assure you that if there is an argument on the floor against what we want to do with rotorcraft innovation in research, then I could understand

why you wouldn't want to vote for it. But I can assure every Member here, Republican and Democrat alike, that in the Armed Services Subcommittee, on which I am privileged to serve with Mr. WELDON, that we go into the details of what we are doing and why we are doing it.

The final point here. The reason that I support this and the reason Mr. WELDON recommended it to the subcommittee and that he succeeded is that the big companies, the big companies don't do the innovation and the research. They really don't.

Mr. HUNTER in particular, and, again, I have had my differences with Mr. HUNTER, but Mr. YOUNG recognizes and Mr. HUNTER recognizes that true innovation in this country comes from the small companies. It comes from the research areas that don't necessarily get the big contracts, nor are they sought out by the big companies. They are like the Titanic. They go right down there. And they can be told there's an iceberg, but, boy, they head there anyway by kinetic energy.

I can assure you, Mr. FLAKE, if you would at least consider withdrawing the amendment, this is one time when the research has been done, the background has been done, the hearings have been held, and we are trying to support the true innovative research side with regard to rotorcraft that might not otherwise get the attention that it deserves and what we need to have for our Armed Forces.

I can assure you that the ideological content or premise that forms the philosophy upon which you are making these inquiries I have no argument with, and I give you credit for standing up. It is not easy to stand up against the tide coming at you. It is a lot easier to vote against you and walk off and claim victory. I don't do that. I don't take any shots like that at you. I respect you and I understand what you are doing and why you are doing it. But in this instance, my request to you as a ranking member on this subcommittee is that you consider whether or not this might be an instance in which the House is well served and the Nation is well served by its adoption as recommended by the Appropriations Committee.

I thank you for your kind attention.

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

Mr. Chairman, I yield to my friend, because I can see he has something to say real quick.

Mr. FLAKE. Well, thank you, and I simply want to reiterate if I were to stand here and offer amendments that had no impact on my district at all, if I ignored those that had an impact, then I could be accused of hypocrisy and doing things that simply have no impact on me.

I have tried to make a point to offer amendments that do have an impact, and I have offered them in other bills as well, those that have an impact on

both my district and on my State. I simply think that this process is out of control and we have to start on it.

And I appreciate the gentleman from Hawaii. That was a very good explanation. I appreciate that hearings have been held on this, certainly more thoroughly than some of the other earmarks. But the case I would make is that simply I have made my case.

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

Mr. KINGSTON. It would be an honor to yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Thank you. That is why I am hoping that you would consider in this instance possibly withdrawing it.

When you say the process is out of control, I am not going to argue with you about that. I really don't. But this process with this project, I can assure you was totally in control, thoroughly vetted, and the decision that came out of it was I believe unanimous in the committee, and I don't believe received any opposition on the basis that it was done capriciously or arbitrarily or because of the influence of a Member for reasons other than the merits.

I can assure you of that, and I make my request once again, and thank you for your time and thank the gentleman for yielding.

Mr. KINGSTON. Mr. Chairman, I thank both of my colleagues, and now I want to claim my time to oppose this amendment, but I wanted to talk about the bigger picture.

Each year, the House Appropriations Committee receives about 35,000 requests for individual projects in all the appropriation bills. Just to give one example, on the Labor-HHS bill there were 10,272 different requests. That is about 25 projects per Member. Yet this committee has worked very hard to scrutinize those requests and to decide which ones are good and which ones have less of a case and we eliminate all of them.

To give you some of the numbers, it is incredible. This bill alone is \$1 billion below last year's in terms of Member earmarks. The Ag Committee, which I sit on, is \$35 million below last year's. The Energy and Water Committee is 16 percent, or \$197 million below last year's in Members' earmarks. The Interior Committee is \$89 million, or 32 percent less than last year. Military Quality of Life, \$40 million below last year's. The Labor-HHS is \$100 million, Transportation-Treasury is \$2.1 billion below last year's, and Science, State and Justice is \$1.3 billion less than last year's.

And this is a sign of the committee doing their work on a bipartisan basis. We are going to continue to work for earmark reforms. The House Appropriations Committee is the first committee that wants to have earmark reform, something Mr. FLAKE is a great advocate of, in all committees, not just appropriations.

For example, the infamous “bridge to nowhere” did not come from an appropriation bill. We need to have earmark

reform. The Appropriation Committee supports that, but we support it for all committees, if we are going to make it complete. If it is good for one, let us do it for all.

We also have Member scrutiny and Member criteria requests. And this year, more than ever, we are asking for local grant money, State money, matching money so that if we do appropriate something back home, the folks back home have skin in the game, not just something that the Federal Government is paying for.

I have also, Mr. Chairman, a 2½-page list of some of the programs which the Appropriations Committee has terminated. Now, Ronald Reagan said, if you don't believe in resurrection, try killing a Federal program.

□ 1930

Indeed, that is the case. It is hard as the dickens to kill programs here, and yet Appropriations remains the only committee on a consistent level that is eliminating spending and terminating programs.

In Agriculture, there were about eight eliminated, including the Classical Chinese Garden at \$8 million. Mr. FLAKE, I am sure, would have approved of that. In Foreign Operations we eliminated the Asia Pacific Partnership for \$46 million. I don't know what it did. Does anybody here?

We eliminated the Congo Debt Relief, \$160 million.

In Homeland Security, we eliminated \$21 million for the SURGE initiative, and a new Coast Guard headquarters for \$50 million.

In conclusion, Mr. FLAKE is not the only one applying the big magnifying glass to spending. This committee is doing it, and we need to be talking more about it. I appreciate the gentleman for what he is bringing up, but he is trodding on turf that a lot of us have already driven on at the committee level.

CONTINUED EARMARK REFORMS FOR 2006

(1) Include all Member project funding during the House consideration of appropriations bills.

(2) Sharply limit the number of Member project requests. Curtailing the number of Member requests per Appropriations subcommittee would dramatically improve oversight and lead to a reduction of earmarks. Last year, the House Appropriations Committee received nearly 35,000 individual project requests. In the Labor-HHS Appropriations bill, 417 Members requested 10,272 projects, or nearly 25 projects requested per Member.

(3) Require that all project requests be submitted in writing to the Appropriations subcommittee of jurisdiction via a Member-signed request letter or form.

(4) Establish clearly defined criteria for all project requests and require Members to specify how each project meets those criteria. Member requests would also be required to be strictly germane to the spending bills in which they are contained.

(5) Increase the proportion of projects that have a dollar-matching requirement. HUD economic development initiative grants are among those that ought to be considered for a local matching requirement.

(6) Require all congressionally approved projects go through a formal Executive Branch contracting and auditing process.

(7) Require that all other committees adopt similar earmarking reforms. Earmarks are not unique to the House Appropriations Committee. The most notable earmark in recent history—the so-called “Bridge to Nowhere”—had its origins elsewhere.

FY07 MEMBER PROJECT FUNDING

FY07 Agriculture Member Project Funding: The House bill includes \$435 million in Member project funding which is \$35 million below last year's House bill level of \$460 million and \$277 million below last year's conference agreement of \$812 million.

FY07 Defense Member Project Funding: The bill includes a little less than \$5 billion which more than \$1 billion below last year's House bill and \$2.7 billion below last year's conference report.

FY07 Energy and Water Project Funding: The bill includes \$1.04 billion in Member project funding which is 16% or \$197 million below last year's House level of \$1.24 billion.

FY07 Interior Member Project Funding: The bill includes \$188 million in Member project funding for 246 projects. This is an \$89 million or 32% reduction compared to last year's enacted total of \$277 million in Member project funding.

FY07 Military Quality Member Project Funding: Total Member project funding in the bill is \$572 million which is \$40 million below the last year's House bill level of \$612 million and \$804 million below the enacted level of \$1.376 billion.

FY07 Labor-HHS Member project funding: The bill provides approximately \$1 billion for Member projects, \$100 million less than previous, comparable levels and less than 1% of the total funding in the bill.

FY07 Transportation-Treasury, HUD Member Project Funding: Total Member project funding in the bill is \$986 billion which is \$2.1 billion below last year's level. This is an 70 percent reduction from the previous year. In addition, for the first time ever, the bill requires a 40 percent matching requirement for grantees receiving Economic Development Initiative funding.

Science-State-Justice: The bill provides approximately \$387 million for Member projects, \$1.3 billion less than the enacted level and less than 1 percent of the total funding in the bill.

PROGRAM TERMINATIONS

Agriculture includes 8 terminations for a savings of \$414 million.

Healthy Forests Reserve: \$3 million.

Invasive Species Grant: \$10 million.

Wildlife Air Safety initiative: \$3 million.

Classical Chinese Garden: \$8 million.

Financial Management Modernization Initiative: \$14 million.

Child Nutrition Program, contingency reserve fund: \$300 million (new mandatory).

P.L. 480 Title I program: \$64 million.

Ocean Freight Differential Grants: \$12 million.

Energy and Water includes 3 terminations for a savings of \$411 million.

Geothermal R&D technology: \$23 million.

Natural gas R&D technologies: \$20 million.

Construction of the Mixed Oxide Fuel Plant: \$368 million.

Foreign Operations includes 4 terminations for a savings of \$286 million.

Conflict Response Fund: \$75 million.

Asia Pacific Partnership: \$46 million.

Africa Housing Facility: \$5 million.

Congo Debt Relief: \$160 million.

Homeland Security includes 6 terminations for a savings of \$154 million.

Office of Screening Coordination and Operations: \$4 million.

SURGE initiative: \$21 million.

Maritime security response team shoot house: \$2 million.

Fast Response Cutter: \$42 million.

Citizen Corps: \$35 million.

New Coast Guard headquarters: \$50 million.

Interior includes 4 terminations for a savings of \$54 million.

Stateside Land and Water Grants: \$30 million.

Forest Service economic action program: \$9 million.

BLM rural fire program: \$10 million.

Asia Pacific Partnership: \$5 million.

Labor-HHS-Education includes 56 terminations for a savings of \$1.66 billion.

Responsible Reintegration for Youthful Offenders: \$50 million.

Women's Educational Equity (FIE): \$3 million.

Math Now for elementary schools: \$125 million.

Math Now for middle schools: \$125 million.

Science-State-Justice includes 8 terminations for a savings of \$96 million.

Grants for Televised Testimony: \$1 million.

Forensic Science Grants: \$18 million.

Crime Identification Technology Act Grants: \$28 million.

Cannabis Eradication: \$5 million.

Public Television Facilities, Planning, and Construction: \$22 million.

Microloan Technical Assistance: \$13 million.

Microloan Subsidy: \$1 million.

PRIME: \$2 million.

Transportation-Treasury-HUD includes 6 terminations for a savings of \$742 million.

Rural Housing and Economic Development: \$17 million

FTA Small Starts: \$200 million.

Housing Counseling Assistance: \$45 million.

National Defense Tank Vessel Construction Program: \$74 million.

Open Roads Financing Pilot Program: \$100 million.

New Coast Guard Headquarters: \$306 million.

Denali Commission: \$7 million.

Prisoner Re-entry: \$20 million.

Community College Initiative: \$150 million.

Work Incentives Grants: \$20 million.

Management Crosscuts: \$2 million.

Working Capital funds: \$7 million.

NY State UI: \$50 million.

Tech Asst. Nat Activities: \$2 million.

HRSA—Health Career Opportunity Program (HCOP): \$4 million.

HRSA—Faculty loan repayment: \$1 million.

HRSA—Public health/dental training: \$8 million.

HRSA—Delta Health Initiative: \$25 million.

HRSA—Denali Commission: \$39 million.

HRSA—ER 1 Administration earmark: \$25 million.

CDC—Pandemic Flu base activities: \$168 million.

CDC—Bulk Monovalent Vaccine Purchase: \$30 million.

CDC—Mind-Body Institute: \$2 million.

CDC—Special Olympics Healthy Athletes: \$6 million.

CDC—Diamond Blackfan Anemia Program: \$1 million.

CDC—Arctic health program: \$0.3 million.

CDC—Hanford study: \$1 million.

CDC—Pfiesteria program: \$8 million.

CDC—Volcanic Emissions program: \$0.1 million.

CDC—ALS Registry: \$1 million.

SAMHSA—Access to Recovery: \$98 million.

CMS—Health Care Fraud and Abuse Control: \$118 million.

Health admin: \$1 million.

ACF—Job Opportunities for Low-Income Individuals: \$5 million.

ACF—Sex and other severe forms of trafficking program: \$5 million.

Early Learning Fund: \$36 million.

Embryo adoption campaign: \$2 million.

Alcohol Abuse Reduction: \$32 million.

Dropout Prevention Programs: \$5 million.

Close Up Fellowships: \$2 million.

Education Technology State Grants: \$272 million.

Foundations for Learning (FIE): \$1 million.

Whaling trading partners (FIE): \$9 million.

Javits Gifted and Talented Ed: \$10 million.

Mental Health Integration in Schools (FIE): \$5 million.

Parental Information and Resource Centers (FIE): \$40 million.

Ready to Learn TV: \$24 million.

Ready to Teach (FIE): \$11 million.

Star Schools (FIE): \$15 million.

Teacher to Teacher (FIE): \$2 million.

Language Teacher Corps (FIE): \$5 million.

State scholars (FIE): \$8 million.

State Grants for Incarcerated Youth Offenders: \$23 million.

Underground Railroad: \$2 million.

Byrd Scholarships: \$41 million.

Demonstration in Disabilities: \$7 million.

Thurgood Marshall Legal Educational Opportunity Program: \$3 million.

Interest Subsidy Grants: \$2 million.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. HINCHEY

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

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title) insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used to initiate military operations against Iran except in accordance with Article I, Section 8 of the Constitution of the United States.

Mr. HINCHEY. Mr. Chairman, the background is obvious and well known to all of us. The fact of the matter is we are now living in a moment which is among the most difficult and dangerous periods in the modern history of our country. It came about as a result of the administration sending our military to attack Iraq. There was no justification, certainly no adequate justification, for that attack. The rationale for doing so as it was presented to the Congress was falsified, unjustified. I think that we all see that today very clearly.

The consequences of that action are afflicting our country very decidedly. We have now lost 4,500 American servicemen and women killed, tens of thousands others very seriously wounded. The dollar cost to our country is now approximately \$400 billion. By the end of this year it is anticipated to be \$450 billion.

The costs to Iraq are even more severe. The loss of life in that country may be as many as 100,000 people. Circumstances of life in that country are worse than they were 3 years ago when

the invasion occurred in March 2003. And we have now been engaged in an occupation of that country for more than 3 years.

The fact that we all have to face is that it is becoming increasingly apparent that the administration has no plan for ending that occupation, and so it will continue. The loss of life will continue, the loss of funds will continue, and the deterioration of our reputation in the world will continue to decline.

This Congress has been derelict in its duty. We have not examined the administration in its activities related to the attack on Iraq, the falsified way in which it presented the rationale to this Congress, the way in which it failed to adhere to the recommendations of the military with regard to actions taken prior to the attack and subsequent to it, right up to the present moment.

So now we are faced with another potential problem that would magnify the one that we currently confront, and that is we have come to understand that there have been serious considerations within this administration to engage in a military attack on Iran. The rationale for that attack as it has been presented to us is that Iran is engaged in a nuclear weapons development program. Of course, that was part of the falsified rationale that was presented for the attack on Iraq.

We also know, of course, that the President in his State of the Union Address here, the address that attempted to justify by presenting false information to the Congress, attempted to justify the attack on Iraq, associated Iraq with the phrase "axis of evil" with two other countries, North Korea and Iran.

We now learn that there are discussions within the administration for a potential attack on Iran. And in the context of those discussions, it has also been suggested that the administration has the authority to engage in such an attack based upon the vote that was taken here to authorize the attack on Iraq based upon falsified, misleading information, information that was presented to us intentionally falsified and misleading.

So the purpose of this amendment is to make sure that none of the funding in this defense appropriations bill is used to engage in any military operation against Iran without a full vote of the Congress of the United States in accordance with the Constitution of the United States.

It is a very simple, very straightforward amendment, and I hope that this Congress will live up to its obligations and this House of Representatives in accordance with its responsibilities will pass the amendment.

While our Chamber is on track to complete another lightning round of spending bills during this appropriations cycle, we have abdicated our oversight responsibilities across the board in the process. We are writing blank checks for bankrupt foreign policies without having sufficiently robust debate on the administration's actions abroad.

Our invasion of Iraq in 2003 was a terrible mistake resulting in an inextricable quagmire. And regardless of what our friends across the aisle claimed during our waste of a discussion last week, we are still not on the road to success in that country.

Now that other legitimate hot spots in the world, such as Iran, are heating up, we are a passive audience sitting on the sidelines as the Bush administration uses its damaged credibility and poorly-conceived diplomacy to try to head off a nuclear crisis within the most volatile area of the world.

We should be an active participant in the formulation of our foreign policy.

The Bush administration must be held accountable by Congress for its failings on the world stage. In addition, the administration must work with Congress before it stretches our already-depleted defense capabilities to the breaking point in another ill-conceived engagement.

And while the administration's recent efforts to engage with the European community in diplomacy on this issue are a welcome change, their international dealings have not proven to be trustworthy—another cause of our diminished credibility abroad.

This administration is tone-deaf when it comes to understanding the diverse religious beliefs and cultural principles of countries in the Middle East. It does not sufficiently support the troops that are already engaged abroad, and it does not understand the damage that this engagement has done to our armed services. We must rectify these problems, and Congress must be an active participant.

Iran presents our Chamber with the opportunity to right past wrongs, and to assume the responsibility for oversight and management that we tragically abandoned in the months leading up to our invasion of Iraq.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

I read the amendment about Iran, but I heard the debate about Iraq. The gentleman's debate made it appear that we just indiscriminately decided to attack Iraq.

I would remind the gentleman that there were not only United Nations resolutions dealing with the issue of Iraq, but there was also an overwhelming vote in the House and in the Senate to authorize the President to take whatever military action was necessary.

He talked about Iraq, and so I want to talk about Iraq. I want to talk about the June 25, 1996, bombing of Khobar Towers in Saudi Arabia. We were not in Iraq, nowhere near Iraq. Khobar Towers were bombed, and 19 of our airmen who were living there lost their lives.

In August of 1998, our embassies in Kenya and Tanzania were bombed with a loss of life, including Americans. And by the way, we were not in Iraq or Afghanistan for that matter.

October 12, 2000, the USS *Cole* off-shore of Yemen was bombed by terrorists, and 17 sailors lost their lives, and many others were seriously injured.

And then there was September 11, and I don't have to explain what happened there because everyone knows

what happened there. It was the Pearl Harbor of this century.

So what does that have to do with Iraq? Information continues to be uncovered where Saddam Hussein, who was the dictator of Iraq until we removed him, Saddam Hussein had contacts with the terrorists of different stripes, not only al Qaeda, but other terrorists. And that's why, and Congress reacted to that, and Congress approved the President making whatever military move he thought was necessary. So that goes to the issue of the gentleman's debate on the Iran amendment relative to his comment about Iraq.

The vote on the Iraq resolution was 296-133. That is a pretty sizable majority.

I have a copy of the Constitution. Section 8 of Article I is a very long article, a very long section, and I am not sure which provision in here that the gentleman's amendment is talking about unless it gets down to the part of section 8 that says to declare war. I assume that is what he is talking about.

To declare war in today's world, previous wars you had a little time. Even after Pearl Harbor, we had time to recover and react. Today's world you don't have that. So I would think you would want to be very, very careful about tying the hands of this Congress in authorizing whatever was needed to defend and support the United States and the security of the American people.

I do not want another September 11 on my hands. I don't want something else to happen that is going to kill innocent Americans, and then have people come to me and say, Why didn't you do something about it? Why weren't you prepared for it? Why did you have to wait and go through all of the political charades?

I don't think that the American people would be very, very happy with this Congress if we didn't take every step necessary to prevent another aircraft hijacking and flying into the World Trade Center or something similar, or hijacking an airplane that landed in Pennsylvania or at the Pentagon. I think we better think very carefully before we, on an appropriations bill, make a major decision like this.

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

Just to remember, Khobar Towers, of course, was perpetrated by Saudi Arabians. The *Cole* and the embassies were attacked by al Qaeda, which was based in Afghanistan, led by Osama bin Laden, who is still at large and still based in Afghanistan or Pakistan. But I am not going to revisit the debate of last week about Iraq.

What we are going to talk about here is the Constitution and the authority of the United States Congress. There seems to be a new-found respect for that among the Republican leadership, and I appreciate that.

Recently Speaker HASTERT said: "We need to protect the division of powers

in the Constitution of the United States. We want to make sure that we protect the Constitution."

Majority Mr. Leader BOEHNER said: "Every 2 years I stand in the well of the House and raise my right hand and swear to uphold and defend the Constitution."

So there is a new-found and growing respect on that side of the aisle for the Constitution. Unfortunately, all of that umbrage was about a search with a warrant of a Member's office, a Member of Congress who had \$90,000 cold cash in his freezer.

Now I don't agree with their concerns and don't feel that it is an abrogation of the Constitution, but I do feel that ceding our war powers is.

In the case of Iraq, the United States Congress, I believe, unconstitutionally ceded its authority. We didn't declare war, we just said the President should do whatever he wanted, whenever he wanted, however he wanted. And it hasn't worked out real well.

Article I, section 8, is quite specific about the authorities reserved for the Congress. They were worried, the Founders were worried, about the wont of kings to engage in foreign adventures, so they wanted to restrain the king and retain the authority to raise the armies, fund the armies, and declare war to the Congress.

They are very clear in Article II, section 2, which says, "The President shall be the Commander in Chief of the Army and Navy, and of the Militia of the several States, when called into actual service of the United States." That is, the President had the authority to repel sudden attacks, but not launch a offensive military actions without a declaration of war.

Now, unfortunately, Mr. Gonzales, the President's former counsel, now head of the Justice Department, the Attorney General, has said he finds new inherent powers in the President in times of war, and he says the President has constitutional authority as Commander in Chief, as the sole organ of the Federal Government in foreign affairs, to deploy the Armed Forces of the United States. A formal declaration of war or other authorization from the Congress is not required to enable the President to undertake the full range of actions.

This is a total denial of all previous jurisprudence of the writings around the Constitutional Convention and basically rendering Congress meaningless.

Now, in this House we did have a proud moment after 9/11. On September 14, we voted with near unanimity, one person dissenting, to go after, essentially a declaration of war against the Taliban, the perpetrators of 9/11, al Qaeda, and Osama bin Laden.

□ 1945

Now that was a proud moment. And we should look back to that, and we should retain those authorities, and we should safeguard those authorities to

this United States Congress. This would not tie the hands of the President in any way that isn't tied by the Constitution of the United States. If there was an imminent attack, if they had a missile on the pad and they were fueling it up to shoot at the United States of America, with a nuclear weapon on it, the President would have authority to repel a sudden attack. But if they are contemplating a preemptive or preventative or whatever they want to call it war, similar to the one launched under false pretenses in Iraq, then they should come and make the case to the people's House, the United States House of Representatives, and to the Senate and get the legal authority in order to conduct those actions.

So I would urge our colleagues to stand up for our constitutional rights here in the United States House of Representatives. I know it is a lot easier to have plausible deniability sometimes and give the President a broad grant of authority; and if in the end it is skewed, then you can say, they really didn't exactly tell us the right stuff when they launched that war. It would be better for us to be very clear about the delineation of these authorities, and the House should approve this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

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

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

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Illinois Technology Transition Center.

Mr. FLAKE. Mr. Chairman, my amendment would prohibit funds in this bill from being used for the Illinois Technology Transition Center, which receives \$2.5 million in this legislation.

The Illinois Technology Transition Center's objective is to stimulate enterprise growth by helping technology companies realize their commercial potential. The center offers entrepreneurial services, technology transition support, and commercialization support.

Again, this is a defense bill, yet we are offering this funding.

I support the technology center. I encourage growth in it. I think all of us do. It is a great source of entrepreneurship and innovation.

The United States has the largest and most technologically powerful

economy in the world. Technological progress is responsible for one-half of the growth of the U.S. economy.

Competition is a driving force in this innovation. We all know that free markets flourish when there is less government involvement.

I am all for seeing the technology sector in Illinois grow, just as I do hope that it grows in Arizona or any other State.

However, in this defense bill the American taxpayers are being asked to pay for support services for the private sector. I don't think that that is appropriate in a defense bill.

Our troops are fighting insurgents in Iraq and Afghanistan. We ought to be spending money in the defense bill on equipment, on helmets, on body armor, on other things, rather than subsidizing the technological center in one particular State.

I should note I believe the Illinois Technology Transition Center was established by a contract with the Department of the Navy, the Office of Naval Research, in 2005. But it is also my understanding that the Office of Naval Research did not request this earmark for \$2.5 million in funding.

With that, I request support for the amendment.

Mr. LAHOOD. Mr. Chairman, I ask to have the opportunity to speak against the amendment.

I wonder if the gentleman would take a question.

Mr. FLAKE. You bet.

Mr. LAHOOD. Do you know who earmarked this money?

Mr. FLAKE. I was told by a reporter this morning who it might be. That was the first time I learned it after I had already agreed to offer it.

Mr. LAHOOD. And the answer to my question is?

Mr. FLAKE. I was told that it was the Speaker who offered it.

Mr. LAHOOD. And so when you were told that, did you think that maybe you might look into the earmark to see if it had merit and to see if it was a set-aside that might merit further consideration?

Mr. FLAKE. Well, seeing that I had already agreed to offer it, I thought that had I agreed to pull back now, I would be looked to favoring one particularly powerful Member of my party.

Mr. LAHOOD. The Illinois Technology Transition Center is a public-private collaboration between academia, industry, and government. It collaborates with the Department of Defense, and it has identified innovative technology applications that meet DOD mission requirements and strives to take technology from the laboratory to use by DOD within 12 to 18 months.

This is an extraordinary opportunity for the public and the private to come together. The lion's share of the money that funds this is private dollars. It is not Federal dollars. It comes from people who have businesses and people who want to invest in smart people and smart ideas.

And the answer to your question about Iraq is that one of the technologies that is being developed is being developed in my hometown of Peoria by a company called Firefly. And they are developing a revolutionary battery that will have the opportunity to withstand huge amounts of heat and not become the kind of traditional batteries that are currently used.

Now, this would not have been able to come about if it hadn't been the collaboration of a private business and the Federal Government coming together in a collaboration.

So are some of the technologies that are being developed in this center being used in Iraq? The answer is yes, they are.

So the point is that there are many innovative approaches that are being taken here. And this kind of collaboration really takes the smart ideas that people in the private sector are using and trying to develop them with the public sector. And some revolutionary things have really come about. And I could name at least six or eight of them, but this is an opportunity for the private sector to take the lion's share of the money and collaborate with the public sector.

Many of these innovative approaches are being requested by the Defense Department. Try them out, test them out, see if they work, and then send them out to the private sector to be funded. And some of these could not come about without this center. They would not come about without this center.

So I wish the gentleman would have looked into this a little bit further, and I wish he would appreciate the idea that what is being developed here could not be developed without the opportunity for the public and private sector to work together.

This is an appropriate appropriation for the defense bill. That is why it is not in any other bill. And it is appropriate, because many of the things that are being tested, many of the innovative approaches will be used by the Defense Department.

Now, I don't know if the Department of the Navy requested this or not. I don't know the answer to that. But I know that some of the innovative approaches have been requested.

The company that I mentioned, Firefly, is in direct collaboration with the Defense Department on a regular basis. And they did ask for Firefly to help them develop this. Eventually Firefly will be spending all of the money, and hopefully, what will happen is that once the battery is in full development, it will create jobs in central Illinois, in my district.

And when people say to me, Congressman, what are you going to do about the erosion of the industrial base? It is to think outside the box. It is to take smart people to get them to think outside the box to create opportunities that eventually will create jobs that no one ever thought could

exist in central Illinois because in my district people worked at Caterpillar for years and worked in other industries for years. This is the kind of thing that creates opportunities and jobs and could not come about without a collaboration between the Defense Department and this company that exists in my district.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. LAHOOD) has expired.

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

Mr. LAHOOD. This kind of collaboration could not come about, and these jobs, very few at this point, but an opportunity for expansion.

And the truth is, the reason that the Speaker asked for this kind of set-aside is because it helps all of us in Illinois. It creates not only opportunities in central Illinois but all over the State, and it does give hope and opportunity to people that there are going to be innovative approaches and people can think outside the box and they can collaborate.

I yield to the gentleman if he has a question; or if he would like to withdraw the amendment, I would certainly entertain that.

Mr. FLAKE. I would not like to withdraw the amendment. I would simply say, and I thank the gentleman for yielding, this is the private sector. I would submit that companies in Phoenix and in St. Louis and in a number of cities and centers around the country are facing difficulties and are having drawdowns, or technology is shifting. The world economy is shifting.

But we can't simply at any time like this say, all right, we are going to give an earmark to that industry or to that region. If we do that, there is simply not enough money in the Federal budget. There is not enough money in the Federal budget to do what we are doing. We are in a deficit.

Mr. LAHOOD. I agree with that, Mr. FLAKE. And that is the reason that this opportunity exists.

It is not a significant amount of money. When you look at the overall defense budget, this is an insignificant amount of money in terms of what it does in terms of the expansion of jobs, the expansion of ideas, the expansion of technology, and it does create hope and opportunity for people who really want to do business with the Federal Government and have opportunities for creating new opportunities for people.

And listen to me, this is a no-brainer. And I hope that we can get the House, when we come back in to vote on this amendment, to vote down this amendment. This is a very, very good technology center and it has created lots of opportunities for many, many people. And I urge the House to vote against the Flake amendment.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. HINCHEY

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

The Clerk read as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for any contract with the communications and public relations firm known as the Lincoln Group.

Mr. HINCHEY. Mr. Chairman, late last year a number of American news agencies blew the cover off a covert propaganda operation pursued by the Department of Defense in Iraq. Through this operation, members of our Armed Forces write articles and have them planted in Iraqi newspapers. They also engage with private contractors to do that as well.

DOD works with a contractor, the Lincoln Group, who actually pays off Iraqi journalists and publications to get their words printed in Iraqi newspapers and other media.

According to a November 30 Los Angeles Times report, many of the articles are presented in the Iraqi press as unbiased news accounts written and reported by independent journalists. The stories trumpet the work of U.S. and Iraqi troops, denounce insurgents, and tout U.S.-led efforts to rebuild the country.

By December 2005, the Lincoln Group had paid to plant upwards of 1,000 of these articles in the Iraqi and Arab media. I was shocked by this revelation, which is completely antithetical to what we should really be doing in Iraq. In fact, it is completely antithetical to what other U.S. agencies are doing in Iraq.

With one hand we are trying to develop a free, fair and independent news media in that country. But with the other, we are manipulating that media and breeding distrust among Iraqis of their democratic institutions and our efforts at reconstruction. That distrust is a direct threat to our troops in Iraq and a direct impediment to efforts to end our involvement in Iraq.

This revelation shocked a lot of people across our country. Both Defense Secretary Rumsfeld and President Bush were reported as being concerned about the effort. In fact, National Security Advisor Steven Hadley predicted that the program would soon end.

A USA Today-CNN Gallup poll taken immediately after the program was exposed showed that nearly 75 percent of Americans thought it was wrong for the Pentagon to pay Iraqi newspapers for made-up articles.

In early March, General Casey announced that an internal review conducted by DOD had concluded that its own activities were legitimate and would continue.

Mr. Chairman, these efforts need reconsideration and careful scrutiny.

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With the Internet and the round-the-clock news reporting, as well as the un-

fortunate development of media consolidation, the boundaries between international and domestic news are increasingly fuzzy. There is no guarantee that articles sold by the Lincoln Group to the Iraqi press will exist alone, in a bubble, ignored by other media outlets. There is an ever-increasing likelihood that these stories will make their way into our media, which directly contradicts our own laws.

These reports are strangely similar to stories that we were seeing here in the United States last year about the administration's developing packaged news articles that they paid to have placed in our own news outlets. I want to know if the Lincoln Group effort is a continuation of that behavior, which was strongly condemned by this House.

The program appears to violate a directive that was signed by Secretary Rumsfeld on October 30, 2003, which restricts psychological operations, or PSYOPS, from targeting American audiences, military personnel, and news agencies or outlets. DOD's decision to continue this effort in one country could easily lead to a decision to expand the effort to other countries, a wholly inappropriate idea that is very plausible in the current environment. That needs to be stopped.

And DOD is conducting this program with a company called the Lincoln Group, whose beginnings, current activities, and partnerships are cloaked in confusion and deception. This amendment prevents the Department of Defense from spending any of the money it receives in this bill on contracts with the Lincoln Group, its co-conspirator in this inappropriate and damaging program.

I believe this amendment will send a clear signal to the Department of Defense that Congress and the American public do not agree with this administration's continued efforts to manipulate the media, especially when those efforts jeopardize the safety of our troops and the always shaky trust that we are fighting to maintain with the Iraqi people.

I urge my colleagues to support this amendment.

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

I rise in support of the Hinchey-Kucinich amendment, which would prohibit funds from being used in this bill to fund Pentagon contracts with the Lincoln Group.

The Lincoln Group is a controversial PR firm that has been awarded major Pentagon contracts, worth over \$100 million, to help the Pentagon covertly place dozens of pro-U.S. stories, written by U.S. military "information operations" troops in Iraqi news outlets. Lincoln would help write and translate these stories and then have them placed in Iraqi newspapers, without revealing the Pentagon's role. Staff for the Lincoln Group would even at times pose as freelance reporters or advertising executives when delivering propaganda stories to Iraqi media outlets.

That is according to the L.A. Times of November 30, 2005.

There has been much controversy over the Pentagon's dissemination of propaganda to foreign media outlets. We appear hypocritical when on one hand we advocate democracy and freedom in Iraq, including freedom of the press, and on the other hand, we manipulate the Iraqi press to achieve our own aims. This hypocrisy not only damages the United States' reputation abroad, but it places our soldiers in greater harm's way when we come to believe our own propaganda.

Yet the contract with Lincoln also goes beyond this controversy and is symptomatic of the familiar problems with the Pentagon's use of private contractors in the war: waste, fraud, and abuse.

The Lincoln Group earned its Pentagon contracts partially by misrepresenting its contacts to the Pentagon. The group has claimed to have partnerships with major media and advertising companies, former government officials and former military officers. According to the New York Times, some of those companies and individuals say their associations were fleeting or even nonexistent. For example, Lincoln Group said that it worked with the ad conglomerate Omnicom Group, but Omnicom has no knowledge of such a relationship.

The Lincoln Group has also run into problems delivering on work for the Pentagon. After earning a contract in 2004 to get Iraqi publications to run articles written by the U.S. military, Lincoln admitted to the Pentagon that it had not yet fully staffed and had not yet acquired necessary media monitoring software.

According to a former strategic adviser for the Lincoln Group, they, and this is a quote, "The Lincoln Group appear very professional on the surface; then you dig a little deeper and you find that they are pretty amateurish."

Well, not only has this amateurish work come to this country, it has come at a not-so-amateurish price of \$100 million. It is also likely that the Lincoln Group's contract is in violation of a Pentagon directive and maybe even in violation of U.S. law.

A recently classified Pentagon directive, signed by Secretary Rumsfeld on October 30, 2003, prohibited U.S. troops from conducting psychological operations targeting the news media. According to one senior Pentagon official, based on the language of the 2003 directive, the Lincoln Group operation seemed to violate Pentagon policy. That from the L.A. Times, January 7, 2006.

While the Pentagon has initiated two investigations into the Lincoln Group's work in relation to this directive, the group's contract, get this, has not even been temporarily suspended. Moreover, if the Pentagon's dissemination of propaganda for Iraqi media is picked up by other foreign news organizations, like Reuters, for example, it could then

easily be picked up by American news organizations. Yet U.S. law has banned the Pentagon from propaganda activities in the United States since the mid-1970s. The Lincoln Group's work could be in violation of this law.

Now, this is a question of tens of million of dollars being misspent. It is also a question of official deception, of a real effort to try to fool the American people, to try to fool the people of Iraq, to try to fool the foreign press.

Our soldiers know what is going on in Iraq. They know when they read these stories or the stories come to them of a totally different situation than what they are living with. They know it is a lie.

We should make our decisions in this Congress based on the truth, not on fiction written by individuals who never have to deal with the real reality. Think of how unconscionable this is. They reveal a garden in the Iraqi media while our soldiers are in a desert of hell. How wrong that is.

That is why the Hinchey-Kucinich amendment is important. That is why we must prohibit funds in this bill from going to the Lincoln Group.

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

Mr. Chairman, this is not a good amendment at all. Earlier in the debate earlier in the day, I said we should not be tying our hands behind our back with a specific amendment. This amendment would disarm part of our arsenal against the enemy.

If you do not like the Lincoln Group, I do not care about that because I have no idea who they are. And maybe they are amateurish, as my friend from Ohio suggested. If that is the case, maybe we ought to fire the Lincoln Group. But let us not stop the ability of the United States and our story to be told to the Arab world.

You have a hard time turning on television and news stories around here that you do not see some of the propaganda from al Jazeera put out by Zargawi, the former Zargawi, and his cohorts. Those messages get spread all over the world.

In war, psychological war is very important. Is anybody here old enough to remember Tokyo Rose? Mr. HASTINGS says he is, and so am I. Tokyo Rose, who broadcast radio propaganda to our troops, trying to demoralize them every day, 24 hours a day. Well, are you going to just ignore that kind of warfare, or are you going to fight back?

We have a story to tell. Mr. KUCINICH talked about the soldiers. Let me tell you something. I have seen and talked with a lot of wounded soldiers and marines in our hospitals right out here north of the city, and many of them complain, Why isn't our story getting told? They do not believe that our story is getting told. They hear the trash that comes out of al Qaeda on al Jazeera that spreads out to all of the Arab worlds and finds its way back here to America, as the gentleman conceded. Are we just going to sit back

and take those blows, just sit back and let the enemy throw all of the lies and all of the trash that they want to at us without fighting back? Not me. Not me.

Do not take away one of the tools in our arsenal: the ability to fight back in a psychological way, because fighting for the minds of the people involved are a big part of our issue.

If you want to fire the Lincoln Group, do it. If this amendment should pass, and I hope that it does not, and the Lincoln Group doesn't get funded, what is to say that they do not hire some other firm to do the same thing? Specifying a particular company is not what we do in appropriations bills. We do not specify companies for contracts or projects. We just do not do that. If you want to fire the Lincoln Group, put in an amendment that says fire the Lincoln Group, but do not take away one of the tools in our arsenal of fighting the battles that we have to fight.

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

As I noted earlier today, Mr. Chairman, Chairman HUNTER, who is chairman of the Armed Services Committee, is not here today due to an important personal commitment, and he asked me to state his opposition to this amendment.

The issue of authorization and funding for public affairs and information operations in Iraq has been monitored and discussed by the Armed Services Committee to some length. Information operations are vital, as our good chairman from Florida just pointed out. In Iraq the United States faces a determined enemy that attempts to manipulate the media, often with the purpose of further endangering U.S. forces. Chairman HUNTER, in fact, has pledged to hold hearings on this matter.

But let me just point out, as Chairman YOUNG just so eloquently stated, information dissemination on the battlefield and in the countries that are affected in a direct way by warfare such as Iraq is extremely important. Earlier today we had that in mind when Chairman YOUNG led us in opposition to an amendment proposed by another Member because of the message it sent. Messages in Iraq and other countries torn by war are extremely important. As a matter of fact, we devote a great deal of time, effort, and money to train members of our military forces in operations called psychological operations. As a matter of fact, we used them extensively during the invasion of Iraq, not through the contractor that is in question here, but through our military personnel who are trained to do just that. The use of broadcast has traditionally been an important part of information operations as well.

So Chairman HUNTER and the rest of us on the Armed Services Committee and the Defense Appropriations Committee have paid a lot of attention to this matter for many reasons. I am

sure the committee will continue to do so if necessary. And Deputy Secretary of Defense Gordon England has informed us on the Armed Services Committee that he is reviewing this matter very closely. In the meantime, General Casey in Iraq and the Department of Defense inspector general are both investigating the use of funds by the Lincoln Group and by the Rendon Group. The results of the Casey investigation are expected to be released in the near future.

I could only say on behalf of Chairman HUNTER that the Armed Services Committee will continue to monitor closely and will take appropriate action as needed.

I urge a "no" vote on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

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

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

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

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AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Northwest Manufacturing Initiative.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit funds in the bill from being used for the Northwest Manufacturing Initiative, which receives \$2.5 million in this defense bill.

What is the Northwest Manufacturing Initiative? Where is the money going? To the northwest of what? Of the United States? Of Arizona? Of Washington, DC?

There is no description of this project in the committee report. It strikes me again, why can't Members get more information on these projects beforehand? We made calls to the Department of Defense, which funds this earmark. They knew nothing. They didn't get back to us with anything. Calls were unanswered. We asked the Appropriations Committee as well, and we couldn't get anything from the Appropriations Committee before we filed the amendment to be offered here. It was only after the amendment was filed that those who are sponsoring the earmark called to tell us what the amendment is about.

It is the Northwest portion of the United States, I come to understand, and it is a manufacturing initiative, but we don't know much else about it.

A few of the Members have been kind enough to share with me today what they are seeking to do. My understanding is that businesses in the Northwest, particularly those that contract with the United States Government, the Department of Defense and others, some are having difficulty, as they are in many parts of the country.

My question is, why in the defense bill are we offering help to manufacturing companies in the Northwest? What about the Southeast or the Southwest? What about companies in Arizona or California or Colorado? Why don't they get similar treatment? How does the Federal Government decide, all right, we are going to help manufacturing companies there, but not here? Again, we are picking winners and losers here. It is not the job and should not be the job of the Federal Government.

I appreciate the fact there are Members here willing to defend this amendment. My good friend Mr. BLUMENAUER is here to do so and others, and I appreciate that. In this way we can actually have a dialogue.

Again, sometimes this is the only oversight, the only explanation. This is it. This is all we get on some of these earmarks. I feel it is important when we are spending taxpayer dollars, particularly \$2.5 million in the defense bill, that it is important to know what it is going for. So I am glad the authors of the amendment are here, and I look forward to the explanation.

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

Mr. Chairman, I welcome the gentleman's opportunity to engage in what, in fact, the proposal is about, because there was a rather detailed proposal that was extended to the Defense Appropriations Subcommittee. It is cosponsored by the entire House delegation, 10 Northwest Representatives and Senators, a bipartisan effort, and it is dealing with the need to be able to have a bistate program to help support a strong defense industrial base.

It contributes directly to our national defense. We have outlined how it helps in terms of providing research and development on the reliability, cost-effectiveness and environmental performance of products designed specifically for the defense marketplace. It increases the ability to deal with workforce, to provide the products, to expand the reach of high-performance manufacturing techniques, and create more efficient and competitive companies in the defense sector, and to build the capacity of small and medium-sized companies to participate in this marketplace.

This is precisely the sort of thing that I think we would want to have to help the defense opportunities, not just in the Pacific Northwest, but to be able to scale it and take it in other parts of the country.

I could go on at great length. I will not, because I have been admonished that time is short and because others

from the Northwest who are part of this are here.

But let me just say that I have been struck by, and one of the reasons I have been working on this for some time is the ability of small companies that I work with to make a difference, and that we have great difficulty in terms of scaling and being able to help them perform in this arena.

In my district we have Danner Boots, which far exceeds the capacity of the specifications that the Department of Defense requests. Our soldiers would be safer. In fact, that is the boot of choice for people who have young men and women going to Iraq.

We have had the same consortium develop HemCon Bandages, which have an amazing capacity to accelerate the clotting. In fact, it is the consensus that our troops should all be provided with this when they go overseas.

We have got small companies that are dealing with technology that others are going to speak to that I won't go into that are all a part of this consortium.

Last but not least, the notion here is having skin in the game. Well, this is matched by a 50 percent match by local sources. It is a public-private partnership where we are not looking for something that has dropped out of the sky, but is matched by the Federal Government. I think anybody who reviews this proposal will find that it is cost-effective, that it is important for the Defense Department, that it builds on proven technologies and opportunities and speaks to gaps that need to be filled, and will have application not just for the Department of Defense, but for others that work to serve it.

So, in the interest of time, I will conclude on that point and invite anybody to look at this proposal that has been offered by my colleagues from the Northwest. I think they will be satisfied that there will be full value offered, and it is worthy of support.

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

Mr. Chairman, I rise today in opposition to the amendment offered by the gentleman from Arizona to strike the funding for the Northwest Manufacturing Initiative.

The Northwest Manufacturing Initiative encompasses Oregon and southwest Washington. The initiative is organized as a regional coalition, and its purpose is to make the Northwest region's diverse manufacturing sector a stronger contributor to the Nation's defense and national security.

The initiative seeks to provide to the Defense Department a coordinated, regional resource for assessing products and services being offered by the private sector that meets our Nation's future defense needs. A key goal of the initiative is to increase the contribution of the Northwest coast to the Nation's industrial preparedness and security. A focus of this project is to assist small and medium-sized manufacturers to become providers of products to defense contractors.

My colleague talked about HemCon; he talked about another company, Danner Boots. I could name several companies. There is another company, Hydration, which allows you with a membrane to fill water into this CamelBak and give you clean drinking water from the filthiest water you can find. Those are the kind of companies. These are small, innovative companies. This is where we get our innovation.

The Oregon Manufacturing Initiative is a key component of the Oregon business plan and economic development plans in communities across Oregon and southwest Washington. Local, regional and State funding has been used to plan and develop the initiative.

As manufacturing has declined in many parts of the Nation, it has become more urgent that small to medium-sized companies are mobilized to provide the necessary goods demanded by a modern military and the Nation's security. Through the Northwest Manufacturing Initiative, the Defense Department will have a one-stop resource when it needs information on what companies are providing to meet defense needs or when it seeks critical manufacturing research and development.

The Northwest Manufacturing Initiative is a regional model designed to create efficiencies and cost savings. While I appreciate the intentions of the gentleman from Arizona, I must urge my colleagues to oppose this amendment and ask they support this worthwhile project.

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

Mr. Chairman, I appreciate the intent of the gentleman from Arizona, but I rise to join my colleagues in explaining why this is so important.

We have talked about boots, we have talked about hydration systems. This same coalition is involved with making some of the finest combat knives in the world; laser sights, laser devices that can help protect aviation or even possibly one day shoot down missiles; adhesive armor, to up-armor Humvees in 4 hours to save our soldiers' lives.

The gentleman from Arizona said we don't pick winners and losers. In fact, we do. If you vote against this provision and for your amendment, you will pick our soldiers as losers. This is about providing resources to help small businesses and medium-sized businesses get state-of-the-art equipment to our soldiers.

I don't know if you have had the occasion to meet with a midsized growing business that makes this kind of equipment, but talking to them and the challenges they face in working with defense procurement proposals, defense procurement procedures and other needs are very difficult challenges. I think it is entirely appropriate that the Federal Government participate in this, along with the match that was described earlier, because this is a program that could well be a model for the

country, that will produce more effective business results and better products for our soldiers.

One final statement I would just make: We talk in this body a lot about dynamic scoring of tax cuts. There is also dynamic scoring of expenditures. I would submit to the gentleman from Arizona and to all my colleagues that for a small amount of money, we are going to stimulate manufacturing of state-of-the-art devices and equipment that will save our soldiers' lives and save this government money over the long run.

This is a good proposal, an innovative proposal, and good products that will save the lives of our soldiers will result from it. I urge a "no" vote on this amendment.

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

Mr. Chairman, again, this is about public-private partnerships. It is about cost-effective and innovative production. The large defense manufacturers are not exactly known as paragons of innovation or cost-effectiveness, so diversifying into the small and midsize businesses in the Pacific Northwest is a great investment for the Federal taxpayers, and we are providing vital products to our troops. Hydration technologies was already mentioned, based in my district. Body armor is produced in my district. We have a stealth boat manufacturer, missile silos up in DARLENE's district. These are all members of the coalition. Night vision goggles, critical to our troops.

So if you support cost-effective, innovative and effective equipment for our troops, you will oppose this amendment and support the initiative.

Mr. WU. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Arizona seeking to cut all \$2.5 million for the Northwest Manufacturing Initiative, NMI.

I, along with all members of Oregon's bipartisan House and Senate delegation as well as House and Senate members from Washington, asked for funding for NMI because of its goal to improve the Department of Defense's industrial base by strengthening the Northwest's diverse, value-added manufacturing sector.

Through research and development to enhance the reliability, cost effectiveness and performance of defense related products and through increasing our ability to train and deliver work-ready employees to defense related manufacturing companies, NMI will increase and improve the contributions of Northwest companies to the nation's industrial preparedness and security.

We have seen what innovative and cutting edge technologies can come out of the Northwest to benefit our military:

HemCon, located in my Congressional district, has developed a new bandage technology that has already saved the lives of dozens of U.S. soldiers in Iraq and Afghanistan. In fact, the Army Surgeon General has requested that every soldier deployed to a combat zone carry a HemCon Bandage in their first-aid kit.

Similarly, through work being done at iSense in my district, military doctors will have

the technology to quickly detect severe blood loss or internal bleeding. There is no doubt in my mind that these technologies have and will save the lives of Americans at home and abroad.

Another company, InSport, is ensuring that our service members have the best products available in combat. InSport has developed base layer t-shirts for our military that resist the build up of bacteria that adversely affects performance on the battlefield.

Yet, despite these innovative companies, challenges remain. Many small defense companies, especially those in manufacturing, have trouble finding skilled workers.

The NMI will help train manufacturing workers and increase participation of innovative companies. It will allow an entire region's companies to learn from each other, and more Oregonians to learn to earn.

More importantly, it will save the Department of Defense, DOD, time and money by making these manufacturers more efficient and competitive and, consequently, able to provide better and less expensive products.

Mr. Chairman, I support the Northwest Manufacturing Initiative and I urge my colleagues to oppose this amendment.

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

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

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

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

AMENDMENT OFFERED BY MS. NORTON

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

The Clerk read as follows:

Amendment offered by Ms. NORTON:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 1001.

None of the funds made available in this Act may be used to enter into or carry out a contract for the performance by a contractor of any base operation support service at Walter Reed Army Medical Hospital pursuant to the public-private competition conducted under Office of Management and Budget Circular A-76 that was initiated on June 13, 2000, and that has the solicitation number DADA 10-03-R-0001.

Ms. NORTON. Mr. Chairman, this amendment concerns the Walter Reed Army Medical Hospital.

Mr. MURTHA. Mr. Chairman, if the gentlewoman will yield, we have no problem with the amendment on our side.

Mr. FRELINGHUYSEN. Mr. Chairman, we are pleased to accept the amendment.

Ms. NORTON. Mr. Chairman, I thank both gentlemen for accepting my amendment.

□ 2030

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia. The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Lewis Center for Education Research.

Mr. FLAKE. Mr. Chairman, this amendment would prevent any funding from going to the Lewis Center for Educational Research in Apple Valley, California.

Mr. Chairman, the Lewis Center has hosted more than 100,000 students, teachers, and parents participating in educational activities. The center's Web site contains a wish list for funding for three log cabins for third graders, an amphitheater, a schoolhouse shed, a large water wheel for panning gold during the gold rush educational fourth grade outreach program, and similar activities to that.

Mr. Chairman, these are undoubtedly worthy educational tools. My question is this: Why are Federal tax dollars intended for our national defense being used to fund this type of institution? It seems that corporate sponsors of the center abound, including corporations like JPL, Allied Signal, Boeing, Verizon, Lucent Technologies, Lomac Information System, Mitsubishi, RFG, Rockwell Rocketdyne Aerospace. Surely these donations can keep the center in good stead.

The center has already received \$3 million in earmarked funds in fiscal year 2004 and an additional \$2.5 million in 2005. It looks as if the center is back for more in this bill to the tune of \$4 million.

The description of the earmark in this bill provides no detail on how the \$4 million is to be spent on the Lewis Center. If there is a defense angle for this earmark, I am simply not seeing it. Again, it seems as if we are debating the Labor-HHS bill at this point or some other education bill and not the defense bill. These may well be worthy programs, but should we be funding them with defense dollars?

I would like to hear justification for the Federal defense function in this case. Again, why are we doing this in the defense bill? These are clearly educational functions. Why should we be taking money that could be spent for the troops and for the operations in the military for things like this?

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

Mr. FRELINGHUYSEN. Mr. Chairman, earlier this evening Mr. LEWIS talked extensively in support of projects and made I think the relationship between education for our youngsters in math and science and the work of the U.S. Department of Defense, and I believe that his comments are on the record and I would like to resubmit them in case they are not.

Mr. LEWIS of California. Mr. Chairman, I welcome the opportunity to inform my colleagues on the excellent programs put together by the Center for Education Research in Apple Valley, California.

First, it is important to remember that the 21st Century Department of Defense is much more than weapons programs and soldiers in barracks. Tens of thousands of our dedicated men and women in uniform have made a lifelong career of defending their nation. They now have families, and it has become our responsibility to provide for those families as they move about our nation to meet the needs of our military.

Many schools that serve the children of military families have developed high standards of excellence. But not all schools in all places have met these standards in the past. As the DoD worked to translate these high standards to other schools, the Center for Education Research came forward with a proposed discipline for science nearly a decade ago.

The heart of this program is the Goldstone-Apple Valley Radio Telescope curriculum, which allows 10,000 students around the world to take part in NASA research projects by way of the Internet. This program now reaches students and teachers in 27 states, 14 countries and three territories.

I want to emphasize that the support of these students is valued and sought out by NASA researchers. In fact, the students' efforts have in many cases saved millions of dollars for Federal science programs by freeing top researchers from process work and allowing them to do more analysis.

The Center for Excellence was asked last year to create a comprehensive Internet-based science curriculum and train 500 teachers by the Department of Defense Education Activity program, which is the primary agency helping our DoD schools achieve high levels of excellence. The Stars and Stripes newspaper, and even DoDEA itself, have featured this program in stories that highlight what we are trying to do for our military families.

In conclusion, Mr. Chairman, I once again want to point out that not all good ideas come through the bureaucracies that oversee spending for our federal government. Often those bureaucracies hold back ideas that could quickly and dramatically advance the quality of services we provide to our constituents—and in this case—the families of those who defend us.

When this happens, these programs need an advocate who can get the agency to engage, and see the value of these ideas. I am proud to be an advocate for a program that continues to help tens of thousands of kids whose parents devote their lives to protecting our nation.

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

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

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

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

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Advanced Law Enforcement Rapid Response Training Program (ALERRT).

Mr. FLAKE. Mr. Chairman, this amendment would prevent funding from going to the Advanced Law Enforcement Rapid Response Training Program, or ALERRT program, at Texas State University in San Marcos, Texas.

The ALERRT program, as it is called, provides training for first responders and police officer. It would appear that this is not the first earmark appropriated to Texas State University for the ALERRT program. Evidently, the program has received \$300,000 in the past; now it needs another \$1 million.

I am all for the training of our police officers, although it is primarily a function of State and local governments. However, I understand the Federal Departments of Justice and Homeland Security grants go toward law enforcement agencies. In the defense appropriations bill why is this a vehicle for funding for law enforcement training? Are we not adequately training our military troops at our Defense Department facilities? Do we now need to send them to this law enforcement training center? If this is the case, I would submit that we ought to hold some hearings on the subject. I should note that the President did not request this money.

I would submit that it is time for Congress to be a little more attentive to how we are spending and earmarking valuable defense dollars. Again, we have other appropriations bills, and homeland security certainly comes up here. This is a function of training local police officers or others for a local police function. We have scarce defense dollars, and we shouldn't be spending them in this way. I hope that we will vote for this amendment and keep the funding for defense in defense.

Mr. YOUNG of Florida. Mr. Chairman, I am opposed to the amendment.

The type of warfare that we are involved in now is different than army-against-army or squad-against-squad and actually is an urban type of warfare street-by-street, and seeking out individuals who may be in hiding. Law enforcement does this extremely well. The FBI or the local police or these folks, they do a really good job at this because that is what they do, seek out criminals. It is probably a pretty good idea that we give our military troops some training from experts who really know something about how to do this street-by-street seeking out terrorists who are in hiding. So I think it does have a military application and I am opposed to the amendment.

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

The amendment was rejected.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word. And to clarify Ms. NORTON's amendment, I should have added to it besides we were pleased to accept her amendment, and the committee looks forward to working with her and the Armed Services Committee towards its objective.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Let me say that I started out this debate when I raised the question regarding the compensation of our soldiers with my appreciation for both Mr. MURTHA and Mr. YOUNG. I continue that appreciation because this is a very difficult challenge to appropriate funds for a myriad of issues on the Defense Department, including addressing questions of humanity, if you will, personnel issues, issues dealing with combat stress, medical issues dealing with the research on prosthetics.

I rise today to discuss an issue that is enormously important to me. It might be that I am a child of the Vietnam War and many of my fellow contemporaries, my friends, male friends, went off to this war. Some did not come back. And I am reminded of the simple honor that was given the families as these fallen soldiers came home to the American soil.

I am reminded also of the visit that President Ronald Reagan made when he went to Dover Air Force Base to receive the fallen soldiers from the explosion in Lebanon. What a moving expression to see that. As they first touched American soil, we were there to say thank you. So I rise to discuss an amendment that simply would have allowed the option of arrival ceremonies to be presented for our deceased military personnel returning to or departing from Ramstein Air Force Base or Dover Air Force Base. In particular, I think the focus would be for those coming to Dover Air Force Base where many families come to greet their loved ones.

My amendment does not in any way or the amendment would not in any way have banned or eliminated the ban on media coverage of arrival ceremonies at this time on any returning individuals fallen who have come from overseas. By continuing the ban on media, I believe it appropriately addressed the question and the sensitive question of the privacy of families.

But I do note that many come with the resolve that their fallen soldier is truly a hero. And because of that, they deserve an arrival ceremony with America acknowledging that that fallen soldier is truly a hero and it is all together fitting and proper that there be a pause and a remembrance when the remains of an American freedom fighter are returned to the land they gave their bodies to defend.

As I mentioned, I am forever reminded of that fateful day that President Reagan went on behalf of a grateful Nation to Dover Air Force Base to welcome the marines who had fallen and who had been killed in Lebanon.

Perhaps you recall also that President Jimmy Carter attended arrival ceremonies held at Dover Air Force Base in Delaware when the brave Americans who lost their lives in the Iran hostage rescue attempt were returned home.

Similarly, the first President George H.W. Bush, the first President, participated in the arrival ceremony held for soldiers killed in Panama and Lebanon.

To most Americans welcoming home, it is a fitting ceremony that the men and women who willingly risked all and sadly gave all that they had for this country, it is a simple statement of justice. And so I had hoped to be able to offer an amendment to be able to give guidance to the Defense Department on behalf of the families of the fallen and the families of the United States military using the degree of sensitivity that I think would be appropriate, keeping in place the media issue that we would be concerned about. I am hoping that as we move this bill that we will have the opportunity to be able to address this question.

Before I yield to the gentleman, might I just cite, and I will yield to the distinguished gentleman from Pennsylvania quickly, that it was Abraham Lincoln who said the loss is doubly great to the families of the fallen for they have laid so costly a sacrifice on the altar of freedom. I am hoping that we will have the opportunity to have these arrival ceremonies.

Ms. JACKSON-LEE of Texas. Mr. Chairman, before I explain my amendment, let me express my deep appreciation and gratitude to Chairman YOUNG and Ranking Member MURTHA for their hard work on this bill and for all the good work they have performed for so long on behalf of the Nation's soldiers, sailors, marines, air forces, and all who work to keep our Nation safe and free.

Mr. Chairman, my amendment is simple and easy to understand. The amendment simply defunds that part of the Department of Defense policy that bars arrival ceremonies for deceased military personnel returning to Dover Air Force Base. My amendment does not—I repeat does not—lift the Defense Department ban on media coverage of arrival ceremonies or of any returning or departing deceased military personnel. By continuing the ban on media coverage but permitting arrival ceremonies my amendment accommodates and balances the interests of those families who wish to have their privacy respected and the Nation's interest in paying fitting tribute to their fallen heroes who have given the last full measure of devotion on foreign soil.

It is altogether fitting and proper that there be a pause and a remembrance when the remains of American freedom fighters are returned to the land they gave their lives to defend.

I remember when President Reagan, on behalf of a grateful Nation, traveled to Dover Air

Force Base in 1983 to welcome home the fallen marines who had been killed in Lebanon. Perhaps you recall also that President Jimmy Carter attended arrival ceremonies held at Dover Air Force Base in Delaware when the brave Americans who lost their lives in the Iran hostage rescue attempt were returned home. Similarly, the first President Bush, George H.W. Bush, the 41st President, participated in the arrival ceremony held for the soldiers killed in Panama and Lebanon. To most Americans, welcoming home in a fitting ceremony the men and women who willingly risked all and, sadly, gave their all is only right. It is a matter of simple justice.

I was then quite shocked to realize that there is now a policy guidance from the Defense Department that directs this government not to honor our soldiers when they come, having fallen in battle, back to the soil of the United States of America.

Might I share with you the language. "There will be no arrival ceremonies for or media coverage of deceased military personnel returning to or departing from Ramstein AB or Dover Air Force Base." What a shocking statement to make to the Nation, that when our soldiers fall in battle or when they lose their lives as members of the United States military, there is a blanket order, an across-the-board policy, affirmed by the administration in March 2003, not to pay honor and tribute to the fallen when they return.

Mr. Chairman, I am not speaking of disrespecting family members who desire no such formal ceremonies. What I am suggesting is it should be an option and that there should be no blanket barrier that would, in fact, stop the honoring of these soldiers.

I remind you of the words of Abe Lincoln, who said the loss is doubly great to the families of the fallen. For they have laid "so costly a sacrifice on the altar of freedom." We owe them the respect of this honor, and a grateful Nation should be permitted to show its gratitude. But with this blanket order that suggests that there can be no arrival ceremony, I believe we denigrate, we deny the opportunity for honor.

My colleagues will say that there are individual ceremonies and funerals and memorials. And they may be right. But I ask you as Americans and colleagues, how many times have we been able to mourn as a Nation the soldiers who are in the war on terror, fighting in places around the world? In these recent years, we have seen none. We have not honored any publicly.

Yes, in just 2 weeks from now will be Independence Day, but yet we are denied the right to be able to show our gratitude. My amendment is intended to comfort the widow and the orphan as President Lincoln enjoined us to do. I believe many of them will find comfort in their hour of loss by the certain knowledge that a grateful Nation remembers. My amendment is on behalf of Americans.

Mr. Chairman, let me simply say that in reading this language, I struggled with the reason and the premise. Why can't we join together as patriots, respecting and recognizing the young lives that have been sacrificed, by the Reservists, the National Guard and all the service branches on behalf of this Nation? Why would you have this kind of prohibition with no basis, no premise, particularly when we saw flag-draped coffins being utilized after the tragedy of 9/11? Why would you not allow

us as Americans to embrace the widows and orphans and be able to say to them, thank you.

I urge my colleagues to support this amendment.

AMENDMENT #4 TO H.R. 5631, AS REPORTED (DEFENSE APPROPRIATIONS, 2007) OFFERED BY MS. JACKSON-LEE OF TEXAS

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. . None of the funds appropriated in this Act may be used to implement the provision in Paragraph 4.F of "Public Affairs Guidance On Casualty and Mortuary Affairs in Military Operations," (R 311900Z) March 2003, as it relates to barring arrival ceremonies for deceased military personnel.

Ms. JACKSON-LEE of Texas. I would be delighted to yield to the distinguished gentleman from Pennsylvania.

Mr. MURTHA. I appreciate what the gentlewoman from Texas said, and I hope we can work something out. It is always a delicate situation where one family, maybe more than one soldier or service person comes in at the same time. But I hope we can work something out in line with what she is talking about if the family is interested in doing this. I appreciate what she is saying and the statement and sentiment behind what she is trying to do.

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title), insert the following:

TITLE X—ADDITIONAL GENERAL PROVISIONS

SEC. 10001. None of the funds made available in this Act may be used for the Leonard Wood Research Institute.

Mr. FLAKE. Mr. Chairman, before I address this amendment, let me simply say that I spoke earlier today with Representative CUELLAR. He would have liked to be here to offer a defense of the last earmark, the Advanced Law Enforcement Rapid Response Training program. He offered a spirited defense to me today. I still don't happen to agree with him about the amendment, but I know he would have liked to be here to offer that. And I have enjoyed the opportunity to hear about these amendments and to hear them defended today as Members have known that they are going to be challenged on the floor, and that is what this process is all about.

Mr. Chairman, this amendment would prohibit any funds from the Leonard Wood Institute at Fort Leonard Wood, Missouri. As many of you know, Major General Wood led the Rough Riders in the Spanish-American war. The Leonard Wood Institute develops, promotes, and manages worldwide collaborations that are related to the Department of Defense.

I am all for seeing the Missouri business sector grow as I would other States' business sectors as well, particularly Arizona. But it seems to me that American taxpayers are being

asked to spend Federal defense dollars on promoting Missouri businesses rather than on the war on terror. Again, we are picking winners and losers here. I know that there are institutions in Arizona, business sectors everywhere else, that would like to get this kind of funding, \$20 million, in the defense bill.

□ 245

So why are we choosing one State? Why are we picking the businesses of that one State as the winners here?

I would ask the chairman of the subcommittee or the sponsor of the amendment to explain to the taxpayers and every other State outside of Missouri why we should support this earmark. Frankly, dollars in the defense bill should go to the war on terror. They ought to go to the troops. They ought to go for body armor. They ought to go for vehicles, for ammunition, for everything else we spend on defense. I do not believe they ought to go to support businesses that are simply looking for defense contracts or looking to promote business in one particular State.

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

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

Mr. Chairman, this, it is my understanding, would be the last amendment to be considered on this bill today, and I wanted to just a minute to thank everyone who participated in the debate. It has been a lively debate all day. A lot of good arguments were made on both sides of the various issues, but it is a good example of how intense this bill really is. It is a very large bill. It includes an awful lot of important material for the security of our Nation, to provide our troops with the best equipment possible, to provide them with the best training possible, to provide them with the best protective gear possible.

It is a bipartisan bill, one that was put together with the cooperation of all of the Members of both parties on the subcommittee. It was approved unanimously by the full committee. I want to compliment all the Members, especially of the subcommittee, who worked so hard to make this a good bill.

I want to thank the staff who was led on our side by John Shank and on Mr. MURTHA's side by David Morrison, and the staff that worked with them. They are 24/7 workers, and they are extremely well-qualified and dedicated to the job that they do.

So thank you for a good day, and, Mr. Chairman, I want to especially compliment you on the excellent way that you have conducted the affairs of the committee this afternoon.

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

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

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

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. HINCHEY of New York regarding Iran.

Amendment by Mr. HINCHEY of New York regarding the Lincoln Group.

Amendment by Mr. FLAKE regarding Northwest Manufacturing Initiative.

Amendment by Mr. FLAKE of Arizona regarding Lewis Center.

Amendment by Mr. FLAKE of Arizona regarding Leonard Wood Institute.

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

AMENDMENT OFFERED BY MR. HINCHEY

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 262, not voting 12, as follows:

[Roll No. 300]

AYES—158

Abercrombie	Doggett	Kildee
Allen	Doyle	Kilpatrick (MI)
Andrews	Duncan	Kind
Baca	Ehlers	Kucinich
Baldwin	Eshoo	Lantos
Bartlett (MD)	Etheridge	Larson (CT)
Becerra	Farr	Leach
Berry	Fattah	Lee
Bishop (NY)	Finler	Levin
Blumenauer	Frank (MA)	Lewis (GA)
Boswell	Garrett (NJ)	Lofgren, Zoe
Boucher	Gilchrest	Lowey
Boyd	Gonzalez	Lynch
Brown (OH)	Gordon	Maloney
Brown, Corrine	Green, Al	Markey
Butterfield	Green, Gene	Matsui
Capps	Grijalva	McCarthy
Capuano	Gutierrez	McCollum (MN)
Cardin	Harman	McDermott
Carnahan	Higgins	McGovern
Carson	Hinche	McIntyre
Chandler	Hinojosa	McKinney
Clay	Holden	McNulty
Cleaver	Holt	Meehan
Clyburn	Honda	Meeks (NY)
Conyers	Hooley	Michaud
Cooper	Inslee	Millender-
Costello	Jackson (IL)	McDonald
Crowley	Jackson-Lee	Miller (NC)
Cummings	(TX)	Miller, George
Davis (CA)	Jefferson	Moore (KS)
Davis (IL)	Johnson, E. B.	Moore (WI)
DeFazio	Jones (NC)	Moran (KS)
DeGette	Jones (OH)	Moran (VA)
Delahunt	Kanjorski	Nadler
DeLauro	Kaptur	Neal (MA)
Dingell	Kennedy (RI)	Oberstar

Obey	Ryan (OH)
Oliver	Sabo
Owens	Sánchez, Linda
Pallone	T.
Pascarella	Sanchez, Loretta
Pastor	Sanders
Paul	Schakowsky
Payne	Schiff
Pelosi	Scott (GA)
Peterson (MN)	Serrano
Price (NC)	Slaughter
Rahall	Smith (WA)
Rangel	Snyder
Ross	Solis
Rothman	Stark
Roybal-Allard	Strickland
Rush	Stupak

Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Woolsey
Wu

NOES—262

Ackerman	Flake	Meek (FL)
Aderholt	Foley	Melancon
Akin	Forbes	Mica
Alexander	Fortenberry	Miller (FL)
Bachus	Fossella	Miller (MI)
Baird	Fox	Miller, Gary
Baker	Franks (AZ)	Mollohan
Barrett (SC)	Frelinghuysen	Murphy
Barrow	Gallegly	Murtha
Barton (TX)	Gerlach	Musgrave
Bass	Gibbons	Myrick
Bean	Gillmor	Neugebauer
Beauprez	Gingrey	Ney
Berkley	Gohmert	Northup
Berman	Goode	Norwood
Biggert	Goodlatte	Nunes
Bilirakis	Granger	Ortiz
Bishop (GA)	Graves	Osborne
Bishop (UT)	Green (WI)	Otter
Blackburn	Gutknecht	Pearce
Blunt	Hall	Pence
Boehlert	Harris	Peterson (PA)
Boehner	Hart	Petri
Bonilla	Hastings (FL)	Pickering
Bonner	Hastings (WA)	Pitts
Bono	Hayes	Platts
Boozman	Hayworth	Poe
Boren	Hefley	Pombo
Boustany	Hensarling	Pomeroy
Bradley (NH)	Herger	Porter
Brady (PA)	Herse	Price (GA)
Brady (TX)	Hobson	Pryce (OH)
Brown (SC)	Hoekstra	Putnam
Brown-Waite,	Hostettler	Radanovich
Ginny	Hoyer	Ramstad
Burgess	Hulshof	Regula
Burton (IN)	Hyde	Rehberg
Buyer	Inglis (SC)	Reichert
Calvert	Israel	Renzi
Camp (MI)	Istook	Reyes
Campbell (CA)	Jenkins	Reynolds
Cantor	Jindal	Rogers (AL)
Capito	Johnson (CT)	Rogers (KY)
Cardoza	Johnson (IL)	Rogers (MI)
Carter	Johnson, Sam	Rohrabacher
Case	Keller	Ros-Lehtinen
Castle	Kelly	Royce
Chabot	Kennedy (MN)	Ruppersberger
Chocola	King (IA)	Ryan (WI)
Coble	King (NY)	Ryun (KS)
Cole (OK)	Kingston	Salazar
Conaway	Kirk	Saxton
Costa	Kline	Schmidt
Cramer	Knollenberg	Schwartz (PA)
Crenshaw	Kolbe	Schwarz (MI)
Cubin	Kuhl (NY)	Scott (VA)
Cuellar	LaHood	Sensenbrenner
Culberson	Langevin	Sessions
Davis (AL)	Larsen (WA)	Shadegg
Davis (KY)	Latham	Shaw
Davis (TN)	LaTourrette	Shays
Davis, Jo Ann	Lewis (CA)	Sherman
Davis, Tom	Lewis (KY)	Sherwood
Deal (GA)	Linder	Shimkus
Dent	Lipinski	Shuster
Diaz-Balart, L.	LoBiondo	Simmons
Diaz-Balart, M.	Lucas	Simpson
Dicks	Lungren, Daniel	Skelton
Doolittle	E.	Smith (NJ)
Drake	Mack	Smith (TX)
Dreier	Manzullo	Sodrel
Edwards	Marchant	Souder
Emanuel	Matheson	Stearns
Emerson	McCaul (TX)	Sullivan
Engel	McCotter	Sweeney
English (PA)	McCrery	Tancred
Everett	McHenry	Tanner
Feeney	McHugh	Taylor (NC)
Ferguson	McKeon	Terry
Fitzpatrick (PA)	McMorris	Thomas

Thornberry Wasserman Whitfield
Tiahrt Schultz Wicker
Tiberi Waxman Wilson (NM)
Turner Weiner Wilson (SC)
Upton Weldon (FL) Wolf
Walden (OR) Weldon (PA) Wynn
Walsh Weller Young (AK)
Wamp Westmoreland Young (FL)
Wexler

NOT VOTING—12

Bilbray Ford Napolitano
Cannon Hunter Nussle
Davis (FL) Issa Oxley
Evans Marshall Spratt

□ 2112

Mr. HEFLEY and Mr. POMEROY changed their vote from “aye” to “no.”

Mr. FATTAH, Mr. GILCHREST, Ms. CORRINE BROWN of Florida, Messrs. SERRANO, GARRETT of New Jersey, BARTLETT of Maryland, COSTELLO, and MOORE of Kansas changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The Acting CHAIRMAN (Mr. CHOCOLA). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) regarding the Lincoln Group on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 153, noes 268, not voting 11, as follows:

[Roll No. 301]

AYES—153

Abercrombie Delahunt Kilpatrick (MI)
Ackerman DeLauro Kind
Allen Dicks Kucinich
Baca Dingell Lantos
Baldwin Doggett Larsen (WA)
Barrow Doyle Leach
Bean Duncan Lee
Becerra Emanuel Levin
Berkley Engel Lewis (GA)
Berman Eshoo Lofgren, Zoe
Bishop (NY) Etheridge Lowey
Blumenauer Farr Lynch
Boswell Filner Maloney
Boucher Gordon Markey
Boyd Green, Al Matsui
Brown (OH) Green, Gene McCarthy
Brown, Corrine Grijalva McCollum (MN)
Butterfield Gutierrez McDermott
Capps Hastings (FL) McGovern
Capuano Hinchey McIntyre
Cardin Holt McKinney
Cardoza Honda McNulty
Carson Hooley Meehan
Clay Hostettler Meeks (NY)
Clyburn Hoyer Michaud
Conyers Inslee Millender
Cooper Jackson (IL) McDonald
Costa Jackson-Lee Miller, George
Costello (TX) Moore (KS)
Crowley Jefferson Moore (WI)
Cummings Johnson, E. B. Moran (VA)
Davis (CA) Jones (NC) Nadler
Davis (IL) Jones (OH) Neal (MA)
DeFazio Kaptur Oliver
DeGette Kildee Ortiz

Owens Schakowsky Towns
Pallone Schiff Udall (CO)
Pascarell Schwartz (PA)
Pastor Scott (GA)
Paul Serrano
Payne Sherman
Pelosi Slaughter
Price (NC) Solis
Rahall Spratt
Rangel Stark
Reyes Strickland
Rothman Stupak
Rush Tanner
Ryan (OH) Tauscher
Sánchez, Linda Taylor (MS)
T. Thompson (CA)
Sanchez, Loretta Thompson (MS)
Sanders Tierney

NOES—268

Aderholt Flake McCaul (TX)
Akin Foley McCotter
Alexander Forbes McCrery
Andrews Fortenberry McHenry
Bachus Fossella McHugh
Baird Foxx McKeon
Baker Frank (MA) McMorris
Barrett (SC) Franks (AZ) Meek (FL)
Bartlett (MD) Frelinghuysen Melancon
Barton (TX) Gallegly Mica
Bass Garrett (NJ) Miller (FL)
Beauprez Gerlach Miller (MI)
Berry Gibbons Miller (NC)
Biggert Gilchrest Miller, Gary
Bilbray Gillmor Mollohan
Bilirakis Gingrey Moran (KS)
Bishop (GA) Gohmert Murphy
Bishop (UT) Gonzalez Murtha
Blackburn Goode Musgrave
Blunt Goodlatte Myrick
Boehlert Granger Neugebauer
Boehner Graves Ney
Bonilla Green (WI) Northup
Bonner Gutknecht Norwood
Bono Hall Nunes
Boozman Harman Oberstar
Boren Harris Obey
Boustany Hart Osborne
Bradley (NH) Hastings (WA) Otter
Brady (PA) Hayes Pearce
Brady (TX) Hayworth Pence
Brown (SC) Hefley Peterson (MN)
Brown-Waite, Hensarling Peterson (PA)
Ginny Herger Petri
Burgess Herseth Pickering
Burton (IN) Higgins Pitts
Buyer Hinojosa Platts
Calvert Hobson Poe
Camp (MI) Hoekstra Pombo
Campbell (CA) Holden Pomeroy
Cantor Hulshof Porter
Capito Hyde Price (GA)
Carnahan Inglis (SC) Pryce (OH)
Carter Israel Putnam
Case Istook Radanovich
Castle Jenkins Ramstad
Chabot Jindal Regula
Chandler Johnson (CT) Rehberg
Chocola Johnson (IL) Reichert
Cleaver Johnson, Sam Renzi
Coble Kanjorski Reynolds
Cole (OK) Kelly Rogers (AL)
Conaway Kennedy (MN) Rogers (KY)
Cramer Kennedy (RI) Rogers (MI)
Crenshaw King (IA) Rohrabacher
Cubin King (NY) Ros-Lehtinen
Cuellar Kingston Ross
Culberson Kirk Roybal-Allard
Davis (AL) Kline Royce
Davis (KY) Knollenberg Ruppertsberger
Davis (TN) Kolbe Ryan (WI)
Davis, Jo Ann Kuhl (NY) Ryan (KS)
Davis, Tom LaHood Sabo
Deal (GA) Langevin Salazar
Dent Larson (CT) Saxton
Diaz-Balart, L. Latham Schmidt
Diaz-Balart, M. LaTourette Schwarz (MI)
Doolittle Lewis (CA) Scott (VA)
Drake Lewis (KY) Sensenbrenner
Dreier Linder Sessions
Edwards Lipinski Shadegg
Ehlers LoBiondo Shaw
Emerson Lucas Shays
English (PA) Lungren, Daniel Sherwood
Everett E. Shimkus
Fattah Mack Shuster
Feeney Manullo Simmons
Ferguson Marchant Simpson
Fitzpatrick (PA) Matheson Skelton

Smith (NJ) Terry Weldon (FL)
Smith (TX) Thomas Weldon (PA)
Smith (WA) Thornberry Weller
Snyder Tiahrt Westmoreland
Sodrel Tiberi Whitfield
Souder Turner Wicker
Stearns Upton Wilson (NM)
Sullivan Visclosky Wilson (SC)
Sweeney Walden (OR) Wolf
Tancredo Walsh Young (AK)
Taylor (NC) Wamp Young (FL)

NOT VOTING—11

Cannon Hunter Napolitano
Davis (FL) Issa Nussle
Evans Keller Oxley
Ford Marshall

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 2117

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Northwest Manufacturing Initiative on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 56, noes 369, not voting 7, as follows:

[Roll No. 302]

AYES—56

Barrett (SC) Gibbons Norwood
Bass Gohmert Otter
Bean Green (WI) Paul
Beauprez Hall Pence
Blackburn Harris Petri
Bradley (NH) Hayworth Pitts
Brown-Waite, Hefley Poe
Ginny Hensarling Price (GA)
Chocola Inglis (SC) Ramstad
Cooper Jindal Ryan (WI)
Deal (GA) Jones (NC) Sensenbrenner
Duncan Kennedy (MN) Sessions
Ehlers King (IA) Shadegg
Feeney Linder Stearns
Flake Miller (FL) Tancredo
Ford Moore (KS) Terry
Fossella Musgrave Udall (NM)
Franks (AZ) Myrick Waxman
Garrett (NJ) Neugebauer Westmoreland

NOES—369

Abercrombie Berman Boswell
Ackerman Berry Boucher
Aderholt Biggert Boustany
Akin Bilbray Boyd
Alexander Bilirakis Brady (PA)
Allen Bishop (GA) Brady (TX)
Andrews Bishop (NY) Brown (OH)
Baca Bishop (UT) Brown (SC)
Bachus Blumenauer Brown, Corrine
Baird Blunt Burgess
Baker Boehlert Burton (IN)
Baldwin Boehner Butterfield
Barrow Bonilla Buyer
Bartlett (MD) Bonner Calvert
Barton (TX) Bono Camp (MI)
Becerra Boozman Campbell (CA)
Berkley Boren Cantor

Capito	Hooley	Northup	Van Hollen	Watson	Wilson (NM)	Conaway	Johnson, E. B.	Peterson (PA)
Capps	Hostettler	Nunes	Velázquez	Watt	Wilson (SC)	Conyers	Johnson, Sam	Pickering
Capuano	Hoyer	Oberstar	Visclosky	Weiner	Wolf	Costa	Jones (OH)	Platts
Cardin	Hulshof	Obey	Walden (OR)	Weldon (FL)	Woolsey	Costello	Kanjorski	Pombo
Cardoza	Hyde	Olver	Walsh	Weldon (PA)	Wu	Cramer	Kaptur	Pomeroy
Carnahan	Inslee	Ortiz	Wamp	Weller	Wynn	Crenshaw	Keller	Porter
Carson	Israel	Osborne	Wasserman	Wexler	Young (AK)	Crowley	Kelly	Price (NC)
Carter	Issa	Owens	Schultz	Whitfield	Young (FL)	Cubin	Kennedy (RI)	Pryce (OH)
Case	Istook	Pallone	Waters	Wicker		Cuellar	Kildee	Putnam
Castle	Jackson (IL)	Pascrell				Culberson	Kilpatrick (MI)	Radanovich
Chabot	Jackson-Lee	Pastor				Cummings	Kind	Rahall
Chandler	(TX)	Payne	Cannon	Hunter	Oxley	Davis (AL)	King (NY)	Ramstad
Clay	Jefferson	Pearce	Davis (FL)	Napolitano		Davis (CA)	Kingston	Rangel
Cleaver	Jenkins	Pelosi	Evans	Nussle		Davis (IL)	Kirk	Regula
Clyburn	Johnson (CT)	Peterson (MN)				Davis (KY)	Knollenberg	Rehberg
Coble	Johnson (IL)	Peterson (PA)				Davis (TN)	Kolbe	Reichert
Cole (OK)	Johnson, E. B.	Pickering				Davis, Jo Ann	Kucinich	Renzi
Conaway	Johnson, Sam	Platts				Davis, Tom	Kuhl (NY)	Reyes
Conyers	Jones (OH)	Pombo				DeFazio	LaHood	Reynolds
Costa	Kanjorski	Pomeroy				DeGette	Langevin	Rogers (AL)
Costello	Kaptur	Porter				Delahunt	Lantos	Rogers (KY)
Cramer	Keller	Price (NC)				DeLauro	Larsen (WA)	Rogers (MI)
Crenshaw	Kelly	Pryce (OH)				Dent	Larson (CT)	Rohrabacher
Crowley	Kennedy (RI)	Putnam				Diaz-Balart, L.	Latham	Ros-Lehtinen
Cubin	Kildee	Radanovich				Diaz-Balart, M.	LaTourette	Ross
Cuellar	Kilpatrick (MI)	Rahall				Dicks	Leach	Rothman
Culberson	Kind	Rangel				Dingell	Lee	Roybal-Allard
Cummings	King (NY)	Regula				Doggett	Levin	Royce
Davis (AL)	Kingston	Rehberg				Doolittle	Lewis (CA)	Ruppersberger
Davis (CA)	Kirk	Reichert				Doyle	Lewis (GA)	Rush
Davis (IL)	Kline	Renzi				Drake	Lewis (KY)	Ryan (OH)
Davis (KY)	Knollenberg	Reyes				Dreier	Lipinski	Ryun (KS)
Davis (TN)	Kolbe	Reynolds				Edwards	LoBiondo	Sabo
Davis, Jo Ann	Kucinich	Rogers (AL)				Ehlers	Lofgren, Zoe	Salazar
Davis, Tom	Kuhl (NY)	Rogers (KY)				Emanuel	Lowey	Sánchez, Linda
DeFazio	LaHood	Rogers (MI)				Emerson	Lucas	T.
DeGette	Langevin	Rohrabacher				Engel	Lungren, Daniel	Sanchez, Loretta
Delahunt	Lantos	Ros-Lehtinen				English (PA)	E.	Sanders
DeLauro	Larsen (WA)	Ross				Eshoo	Lynch	Saxton
Dent	Larson (CT)	Rothman				Etheridge	Mack	Schakowsky
Diaz-Balart, L.	Latham	Roybal-Allard				Everett	Maloney	Schiff
Diaz-Balart, M.	LaTourette	Royce				Farr	Manzullo	Schmidt
Dicks	Leach	Ruppersberger				Fattah	Marchant	Schwartz (PA)
Dingell	Lee	Rush				Ferguson	Markey	Schwarz (MI)
Doggett	Levin	Ryan (OH)				Filner	Marshall	Scott (GA)
Doolittle	Lewis (CA)	Ryun (KS)				Foley	Matsui	Scott (VA)
Doyle	Lewis (GA)	Sabo				Forbes	McCarthy	Serrano
Drake	Lewis (KY)	Salazar				Fortenberry	McCaul (TX)	Shaw
Dreier	Lipinski	Salazar, Linda				Fox	McCollum (MN)	Shays
Edwards	LoBiondo	T.				Frank (MA)	McCotter	Sherman
Emanuel	Lofgren, Zoe	Sanchez, Loretta				Frelinghuysen	McCrery	Sherwood
Emerson	Lowey	Sanders					McDermott	Shimkus
Engel	Lucas	Saxton					McGovern	Shuster
English (PA)	Lungren, Daniel	Schakowsky					McHenry	Simmons
Eshoo	E.	Schiff					McHugh	Simpson
Etheridge	Lynch	Schmidt					McIntyre	Skelton
Everett	Mack	Schwartz (PA)					McKeon	Slaughter
Farr	Maloney	Schwarz (MI)					McKinney	Smith (NJ)
Fattah	Manzullo	Scott (GA)					McMorris	Smith (TX)
Ferguson	Marchant	Scott (VA)					McNulty	Smith (WA)
Filner	Markey	Serrano					Meehan	Snyder
Fitzpatrick (PA)	Marshall	Shaw					Meek (FL)	Sodrel
Foley	Matheson	Shays					Meeks (NY)	Solis
Forbes	Matsui	Sherman					Melancon	Souder
Fortenberry	McCarthy	Sherwood					Mica	Spratt
Fox	McCaul (TX)	Shimkus					Michaud	Stark
Frank (MA)	McCollum (MN)	Shuster					Millender	Stearns
Frelinghuysen	McCotter	Simmons					McDonald	Strickland
Gallegly	McCrery	Simpson					Miller (FL)	Stupak
Gerlach	McDermott	Skelton					Miller (MI)	Sweeney
Gilchrest	McGovern	Slaughter					Miller (NC)	Tanner
Gillmor	McHenry	Smith (NJ)					Miller, Gary	Tauscher
Gingrey	McHugh	Smith (TX)					Miller, George	Taylor (MS)
Gonzalez	McIntyre	Smith (WA)					Mollohan	Taylor (NC)
Goode	McKeon	Snyder					Moore (WI)	Thomas
Goodlatte	McKinney	Sodrel					Moran (KS)	Thompson (CA)
Gordon	McMorris	Solis					Moran (VA)	Thompson (MS)
Granger	McNulty	Souder					Murphy	Thornberry
Graves	Meehan	Spratt					Murtha	Tiahrt
Green, Al	Meek (FL)	Stark					Musgrave	Tiberi
Green, Gene	Meeks (NY)	Strickland					Myrick	Tierney
Grijalva	Melancon	Stupak					Nadler	Towns
Gutierrez	Mica	Sullivan					Neal (MA)	Turner
Gutknecht	Michaud	Sweeney					Ney	Udall (CO)
Harman	Millender	Tanner					Northup	Upton
Hart	McDonald	Tauscher					Nunes	Van Hollen
Hastings (FL)	Miller (MI)	Taylor (MS)					Hyde	Velázquez
Hastings (WA)	Miller (NC)	Taylor (NC)					Inslee	Visclosky
Hayes	Miller, Gary	Thomas					Israel	Walden (OR)
Herger	Miller, George	Thompson (CA)					Issa	Walsh
Herseth	Mollohan	Thompson (MS)					Istook	Wamp
Higgins	Moore (WI)	Thornberry					Jackson (IL)	Wasserman
Hinchey	Moran (KS)	Tiahrt					Jackson-Lee	Schultz
Hinojosa	Moran (VA)	Tiberi					(TX)	Pascrell
Hobson	Murphy	Tierney					Jefferson	Pastor
Hoekstra	Murtha	Towns					Jenkins	Payne
Holden	Turner	Turner					Jindal	Pearce
Holt	Neal (MA)	Udall (CO)					Johnson (CT)	Pelosi
Honda	Ney	Upton					Johnson (IL)	Peterson (MN)
								Weld (FL)

NOT VOTING—7

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 2122

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

AMENDMENT OFFERED BY MR. FLAKE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 50, noes 373, not voting 9, as follows:

[Roll No. 303]

AYES—50

Barrett (SC)	Garrett (NJ)	Norwood
Bass	Gibbons	Otter
Bean	Green (WI)	Paul
Beauprez	Gutknecht	Pence
Blackburn	Harris	Petri
Bradley (NH)	Hayworth	Pitts
Chabot	Hefley	Poe
Chocola	Hensarling	Price (GA)
Cooper	Inglis (SC)	Ryan (WI)
Deal (GA)	Jones (NC)	Sensenbrenner
Duncan	Kennedy (MN)	Sessions
Feeney	King (IA)	Shadeeg
Fitzpatrick (PA)	Kline	Sullivan
Flake	Linder	Terry
Ford	Matheson	Udall (NM)
Fossella	Moore (KS)	Westmoreland
Franks (AZ)	Neugebauer	

NOES—373

Abercrombie	Bishop (NY)	Burton (IN)
Ackerman	Bishop (UT)	Butterfield
Aderholt	Blumenauer	Buyer
Akin	Blunt	Calvert
Alexander	Boehlert	Camp (MI)
Allen	Boehner	Campbell (CA)
Andrews	Bonilla	Cantor
Baca	Bonner	Capito
Bachus	Bono	Capps
Baird	Boozman	Capuano
Baker	Boren	Cardin
Baldwin	Boswell	Cardoza
Barrow	Boucher	Carnahan
Bartlett (MD)	Boustany	Carson
Barton (TX)	Boyd	Carter
Becerra	Brady (PA)	Case
Berkley	Brady (TX)	Castle
Berman	Brown (OH)	Chandler
Berry	Brown (SC)	Clay
Biggart	Brown, Corrine	Cleaver
Bilbray	Brown-Waite,	Clyburn
Bilirakis	Ginny	Coble
Bishop (GA)	Burgess	Cole (OK)

Weldon (PA)	Wilson (NM)	Wynn
Weller	Wilson (SC)	Young (AK)
Wexler	Wolf	Young (FL)
Whitfield	Woolsey	
Wicker	Wu	

NOT VOTING—9

Cannon	Gilchrest	Nussle
Davis (FL)	Hunter	Oxley
Evans	Napolitano	Tancredo

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 2126

Mr. HEFLEY changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding Leonard Wood Research Institute on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 62, noes 363, not voting 7, as follows:

[Roll No. 304]

AYES—62

Barrett (SC)	Gibbons	Norwood
Bass	Green (WI)	Paul
Bean	Gutknecht	Pence
Beauprez	Hall	Petri
Bilbray	Harris	Pitts
Blackburn	Hayworth	Poe
Bradley (NH)	Hefley	Price (GA)
Brown-Waite,	Hensarling	Ramstad
Ginny	Inglis (SC)	Ryan (WI)
Castle	Inslee	Sensenbrenner
Chabot	Jindal	Sessions
Chocola	Jones (NC)	Shadegg
Cooper	Kennedy (MN)	Stearns
Deal (GA)	King (IA)	Sullivan
Duncan	Leach	Tancredo
Ehlers	Linder	Taylor (NC)
Feeney	Lungren, Daniel	Terry
Flake	E.	Udall (NM)
Ford	Matheson	Upton
Fossella	McHenry	Westmoreland
Franks (AZ)	Musgrave	
Garrett (NJ)	Myrick	

NOES—363

Abercrombie	Berry	Boyd
Ackerman	Biggart	Brady (PA)
Aderholt	Bilirakis	Brady (TX)
Akin	Bishop (GA)	Brown (OH)
Alexander	Bishop (NY)	Brown (SC)
Allen	Bishop (UT)	Brown, Corrine
Andrews	Blumenauer	Burgess
Baca	Blunt	Burton (IN)
Bachus	Boehlert	Butterfield
Baird	Boehner	Buyer
Baker	Bonilla	Calvert
Baldwin	Bonner	Camp (MI)
Barrow	Bono	Campbell (CA)
Bartlett (MD)	Boozman	Cantor
Barton (TX)	Boren	Capito
Becerra	Boswell	Capps
Berkley	Boucher	Capuano
Berman	Boustany	Cardin

Cardoza	Issa	Pallone
Carnahan	Istook	Pascrell
Carson	Jackson (IL)	Pastor
Carter	Jackson-Lee	Payne
Case	(TX)	Pearce
Chandler	Jefferson	Pelosi
Clay	Jenkins	Peterson (MN)
Cleaver	Johnson (CT)	Peterson (PA)
Clyburn	Johnson (IL)	Pickering
Coble	Johnson, E. B.	Platts
Cole (OK)	Johnson, Sam	Pombo
Conaway	Jones (OH)	Pomeroy
Conyers	Kanjorski	Porter
Costa	Kaptur	Price (NC)
Costello	Keller	Pryce (OH)
Cramer	Kelly	Putnam
Crenshaw	Kennedy (RI)	Radanovich
Crowley	Kildee	Rahall
Cubin	Kilpatrick (MI)	Rangel
Cuellar	Kind	Regula
Culberson	King (NY)	Rehberg
Cummings	Kingston	Reichert
Davis (AL)	Kirk	Renzi
Davis (CA)	Kline	Reyes
Davis (IL)	Knollenberg	Reynolds
Davis (KY)	Kolbe	Rogers (AL)
Davis (TN)	Kucinich	Rogers (KY)
Davis, Jo Ann	Kuhl (NY)	Rogers (MI)
Davis, Tom	LaHood	Rohrabacher
DeFazio	Langevin	Ros-Lehtinen
DeGette	Lantos	Ross
DeLauro	Larsen (WA)	Rothman
Dent	Larson (CT)	Roybal-Allard
Diaz-Balart, L.	Latham	Royce
Diaz-Balart, M.	LaTourette	Ruppersberger
Dicks	Lee	Rush
Dingell	Levin	Ryan (OH)
Doggett	Lewis (CA)	Ryun (KS)
Doolittle	Lewis (GA)	Sabo
Doyle	Lewis (KY)	Salazar
Drake	Lipinski	Sánchez, Linda
Dreier	LoBiondo	T.
Edwards	Lofgren, Zoe	Sanchez, Loretta
Emanuel	Lowey	Sanders
Emerson	Lucas	Saxton
Engel	Lynch	Schakowsky
English (PA)	Mack	Schiff
Eshoo	Maloney	Schmidt
Etheridge	Manzullo	Schwartz (PA)
Everett	Marchant	Schwarz (MI)
Farr	Markey	Scott (GA)
Fattah	Marshall	Scott (VA)
Ferguson	Matsui	Serrano
Filner	McCarthy	Shaw
Fitzpatrick (PA)	McCaul (TX)	Shays
Foley	McCollum (MN)	Sherman
Forbes	McCotter	Sherwood
Fortenberry	McCrery	Shimkus
Fox	McDermott	Shuster
Frank (MA)	McGovern	Simmons
Frelinghuysen	McHugh	Simpson
Galleghy	McIntyre	Skelton
Gerlach	McKeon	Slaughter
Gilchrest	McKinney	Smith (NJ)
Gillmor	McMorris	Smith (TX)
Gingrey	McNulty	Smith (WA)
Gohmert	Meehan	Snyder
Gonzalez	Meek (FL)	Sodrel
Goode	Meeks (NY)	Solis
Goodlatte	Melancon	Souder
Gordon	Mica	Spratt
Granger	Michaud	Stark
Graves	Millender	Strickland
Green, Al	McDonald	Stupak
Green, Gene	Miller (FL)	Sweeney
Grijalva	Miller (MI)	Tanner
Gutierrez	Miller (NC)	Tauscher
Harman	Miller, Gary	Taylor (MS)
Hart	Miller, George	Thomas
Hastings (FL)	Mollohan	Thompson (CA)
Hastings (WA)	Moore (KS)	Thompson (MS)
Hayes	Moore (WI)	Thornberry
Herger	Moran (KS)	Tiahrt
Herseeth	Moran (VA)	Tiberi
Higgins	Murphy	Tierney
Hinche	Murtha	Towns
Hinojosa	Nadler	Turner
Hobson	Neal (MA)	Udall (CO)
Hoekstra	Neugebauer	Van Hollen
Holden	Ney	Velázquez
Holte	Northup	Visclosky
Honda	Nunes	Walden (OR)
Hooley	Oberstar	Walsh
Hostettler	Obey	Wamp
Hoyer	Oliver	Wasserman
Hulshof	Ortiz	Schultz
Hyde	Osborne	Waters
Israel	Otter	Watson
	Owens	Watt

Waxman	Whitfield	Wu
Weiner	Wicker	Wynn
Weldon (FL)	Wilson (NM)	Young (AK)
Weldon (PA)	Wilson (SC)	Young (FL)
Weller	Wolf	
Wexler	Woolsey	

NOT VOTING—7

Cannon	Hunter	Oxley
Davis (FL)	Napolitano	
Evans	Nussle	

ANNOUNCEMENT BY THE CHAIRMAN

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

□ 2131

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last 2 lines.

The Clerk read as follows:

This Act may be cited as the “Department of Defense Appropriations Act, 2007”.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mr. CAMP of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 877, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 19, not voting 6, as follows:

[Roll No. 305]

YEAS—407

Abercrombie	Baker	Berman
Ackerman	Barrett (SC)	Berry
Aderholt	Barrow	Biggart
Akin	Bartlett (MD)	Bilbray
Alexander	Barton (TX)	Bilirakis
Allen	Bass	Bishop (GA)
Andrews	Bean	Bishop (NY)
Baca	Beauprez	Bishop (UT)
Bachus	Becerra	Blackburn
Baird	Berkley	Blumenauer

Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella

Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hersteth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Ingilis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourrette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas

Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-Donald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Ortiz
Osborne
Otter
Oxley
Pallone
Pascarell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Badanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush

Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton

Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancred
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner

Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Waters
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TRIBUTE TO FLOYD PATTERSON

Mr. HINCHEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. HINCHEY. Mr. Speaker, I ask my colleagues here in the House to join me in celebrating the life of an outstanding American, an American who was a boxer and the heavyweight champion of the world. His name was Floyd Patterson. He died recently, on May 11 at the age of 71.

He was a truly outstanding athlete and, I think even more importantly, an incredibly outstanding human being. All of us who had the opportunity to know him benefited from that knowledge and our association with him, and I am proud to be one of those people who knew him well.

Floyd Patterson was born in a rural cabin in Waco, North Carolina, one of 11 children. When he was still young, his family moved to Brooklyn, New York. As a young child there, he struggled in a tough urban environment and as a youngster got into a certain amount of trouble.

He was sent upstate to Wiltwyck School For Boys where, under the proper kind of supervision, he began to turn his life around. He did so in a very dramatic way. He became associated with a very important boxing trainer named Cus D'Amato, and at the age of 17 Floyd Patterson won a gold medal in the 1952 Helsinki Olympics, boxing as middleweight.

He was known as a "gentleman boxer." He was known as a gentleman boxer because in the ring he knocked a number of people out and a lot of people down, but he always helped them to their feet.

He had an amazing boxing career. In 1956 he became the youngest boxer to win a world heavyweight championship, and in 1960 he became the first boxer to ever regain the world heavyweight championship.

After an outstanding career in the ring, where he set an extraordinary example for other athletes, he eventually retired to a 17-acre farm that he purchased in New Paltz, New York. While in his retirement, he served as the

NAYS—19

Baldwin
Conyers
Finler
Flake
Frank (MA)
Kucinich
Lee

Lewis (GA)
McDermott
Moore (WI)
Olver
Owens
Paul
Payne

Schakowsky
Stark
Watson
Watt
Woolsey

NOT VOTING—6

Cannon
Davis (FL)

Evans
Hunter

Napolitano
Nussle

□ 2150

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5631, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

REPORT ON H.R. 5647, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. REGULA, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109-515) on the bill (H.R. 5647) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.